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# THE WORKS OF

# ORESTES A. BROWNSON,

COLLECTED AND ARRANGED

BY

## HENRY F. BROWNSON.

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VOLUME XVIII.

CONTAINING THE FOURTH PART OF THE POLITICAL WRITINGS.

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DETROIT:
THORNDIKE NOURSE, PUBLISHER.
1885.

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# THE AMERICAN REPUBLIC; ITS CONSTITUTION, TENDENCIES AND DESTINY.

*To the*

HON. GEORGE BANCROFT,

*The Erudite, Philosophical, and Eloquent*

*Historian of the United States,*

*this feeble attempt to set forth the principles of government, and to explain and defend the constitution of the American republic, is respectfully dedicated, in memory of old friendship, and as a slight homage to genius, ability, patriotism, private worth, and public service,*

BY THE AUTHOR.

## PREFACE.

IN the volume which, with much diffidence, is here offered to the public, I have given, as far as I have considered it worth giving, my whole thought in a connected form on the nature, necessity, extent, authority, origin, ground, and constitution of government, and the unity, nationality, constitution, tendencies, and destiny of the American republic. Many of the points treated have been from time to time discussed or touched upon, and many of the views have been presented, in my previous writings; but this work is newly and independently written from beginning to end, and is as complete on the topics treated as I have been able to make it.

I have taken nothing bodily from my previous essays, but I have used their thoughts as far as I have judged them sound and they came within the scope of my present work. I have not felt myself bound to adhere to my own past thoughts or expressions any further than they coincide with my present convictions, and I have written as freely and as independently as if I had never written or published any-

thing before. I have never been the slave of my own past, and truth has always been dearer to me than my own opinions. This work is not only my latest, but will be my last on politics or government, and must be taken as the authentic, and the only authentic statement of my political views and convictions, and whatever in any of my previous writings conflicts with the principles defended in its pages, must be regarded as retracted, and rejected.

The work now produced is based on scientific principles; but it is an essay rather than a scientific treatise, and even good-natured critics will, no doubt, pronounce it an article or a series of articles designed for a review, rather than a book. It is hard to overcome the habits of a life-time. I have taken some pains to exchange the reviewer for the author, but am fully conscious that I have not succeeded. My work can lay claim to very little artistic merit. It is full of repetitions; the same thought is frequently recurring, —the result, to some extent, no doubt, of carelessness and the want of artistic skill; but to a greater extent, I fear, of "malice aforethought." In composing my work I have followed, rather than directed, the course of my thought, and, having very little confidence in the memory or industry of readers, I have preferred, when the completeness of the argument required it, to repeat myself to encumbering my pages with perpetual references to what has gone before.

That I attach some value to this work is evident from my consenting to its publication; but how much or how little of it is really mine, I am quite unable to say. I have from my youth up, been reading, observing, thinking, reflecting, talking, I had almost said writing, at least by fits and starts, on political subjects, especially in their connection with philosophy, theology, history, and social progress, and have assimilated to my own mind what it would assimilate, without keeping any notes of the sources whence the materials assimilated were derived. I have written freely from my own mind as I find it now formed; but how it has been so formed, or whence I have borrowed, my readers know as well as I. All that is valuable in the thoughts set forth, it is safe to assume has been appropriated from others. Where I have been distinctly conscious of borrowing what has not become common property, I have given credit, or, at least, mentioned the author's name, with three important exceptions which I wish to note more formally.

I am principally indebted for the view of American nationality and the federal constitution I present, to hints and suggestions furnished by the remarkable work of John C. Hurd, on *The Law of Freedom and Bondage in the United States*, a work of rare learning and profound philosophic views. I could not have written my work without the aid derived from its suggestions, any more than I could without Plato, Aristotle, St. Augustine, St. Thomas, Suarez, Pierre Leroux, and the Abbate Gioberti. To these two last-named authors, one a humanitarian sophist, the other a Catholic priest, and certainly one of the profoundest philosophical writers of this century, I am much indebted, though I have followed the political system of neither. I have taken from Leroux the germs of the doctrine I set forth on the solidarity of the race, and from Gioberti the doctrine I defend in relation to the creative act, which is, after all, simply that of the *Credo* and the first verse of *Genesis*.

In treating the several questions which the preparation of this volume has brought up, in their connection, and in the light of first principles, I have changed or modified, on more than one important point, the views I had expressed in my previous writings, especially on the distinction between civilized and barbaric nations, the real basis of civilization itself, and the value to the world of the Græco-Roman civilization. I have ranked feudalism under the head of barbarism, rejected every species of political aristocracy, and represented the English constitution as essentially antagonistic to the American, not as its type. I have accepted universal suffrage in principle, and defended American democracy, which I define to be territorial democracy, and carefully distinguish from pure individualism on the one hand, and from pure socialism or humanitarianism on the other.

I reject the doctrine of state sovereignty, which I held and defended from 1828 to 1861, but still maintain that the sovereignty of the American republic vests in the states, though in the states collectively, or united, not severally, and thus escape alike consolidation and disintegration. I find, with Mr. Madison, our most philosophic statesman, the originality of the American system in the division of powers between a general government having sole charge of the foreign and general, and particular or state governments having, within their respective territories, sole charge

of the particular relations and interests of the American people; but I do not accept his concession that this division is of conventional origin, and maintain that it enters into the original providential constitution of the American state, as I have done in my *Review* for October, 1863, and January and October, 1864.*

I maintain, after Mr. Sumner, one of the most philosophic and accomplished living American statesmen, that "state secession is state suicide," but modify the opinion I too hastily expressed that the political death of a state dissolves civil society within its territory and abrogates all rights held under it, and accept the doctrine that the laws in force at the time of secession remain in force till superseded or abrogated by competent authority, and also that, till the state is revived and restored as a state in the Union, the only authority, under the American system, competent to supersede or abrogate them is the United States, not congress, far less the executive. The error of the government is not in recognizing the territorial laws as surviving secession, but in counting a state that has seceded as still a state in the Union, with the right to be counted as one of the United States in amending the constitution. Such state goes *out* of the Union, but comes *under* it.

I have endeavored throughout to refer my particular political views to their general principles, and to show that the general principles asserted have their origin and ground in the great, universal, and unchanging principles of the universe itself. Hence, I have labored to show the scientific relations of political to theological principles, the real principles of all science, as of all reality. An atheist, I have said, may be a politician; but if there were no God, there could be no politics. This may offend the sciolists of the age, but I must follow science where it leads, and cannot be arrested by those who mistake their darkness for light.

I write throughout as a Christian, because I am a Christian; as a Catholic, because all Christian principles, nay, all real principles are catholic, and there is nothing sectarian either in nature or revelation. I am a Catholic by God's grace and great goodness, and must write as I am. I could not write otherwise if I would, and would not if I could. I have not obtruded my religion, and have referred to it

* BROWNSON'S WORKS, Vol. XVII., *Return of the Rebellious States; The Federal Constitution;* and *Are the United States a Nation?*

only where my argument demanded it; but I have had neither the weakness nor the bad taste to seek to conceal or disguise it. I could never have written my book without the knowledge I have, as a Catholic, of Catholic theology, and my acquaintance, slight as it is, with the great fathers and doctors of the church, the great masters of all that is solid or permanent in modern thought, either with Catholics or non-Catholics.

Moreover, though I write for all Americans, without distinction of sect or party, I have had more especially in view the people of my own religious communion. It is no discredit to a man in the United States at the present day to be a firm, sincere, and devout Catholic. The old sectarian prejudice may remain with a few, "whose eyes," as Emerson says, "are in their hind-head, not in their fore-head;" but the American people are not at heart sectarian, and the nothingarianism so prevalent among them only marks their state of transition from sectarian opinions to positive Catholic faith. At any rate, it can no longer be denied that Catholics are an integral, living, and growing element in the American population, quite too numerous, too wealthy, and too influential to be ignored. They have played too conspicuous a part in the late troubles of the country, and poured out too freely and too much of their richest and noblest blood in defence of the unity of the nation and the integrity of its domain, for that. Catholics henceforth must be treated as standing, in all respects, on a footing of equality with any other class of American citizens, and their views of political science, or of any other science, be counted of equal importance, and listened to with equal attention.

I have no fears that my book will be neglected because avowedly by a Catholic author, and from a Catholic publishing-house. They who are not Catholics will read it, and it will enter into the current of American literature, if it is one they must read in order to be up with the living and growing thought of the age. If it is not a book of that sort, it is not worth reading by any one.

Furthermore, I am ambitious, even in my old age, and I wish to exert an influence on the future of my country, for which I have made, or, rather, my family have made, some sacrifices, and which I tenderly love. Now, I believe that he who can exert the most influence on our Catholic population, especially in giving tone and direction to our Catholic youth, will exert the most influence in forming the

character and shaping the future destiny of the American republic. Ambition and patriotism alike, as well as my own Catholic faith and sympathies, induce me to address myself primarily to Catholics. I quarrel with none of the sects; I honor virtue wherever I see it, and accept truth wherever I find it; but, in my belief, no sect is destined to a long life, or a permanent possession. I engage in no controversy with any one not of my religion, for, if the positive, affirmative truth is brought out and placed in a clear light before the public, whatever is sectarian in any of the sects will disappear as the morning mists before the rising sun.

I expect the most intelligent and satisfactory appreciation of my book from the thinking and educated classes among Catholics; but I speak to my countrymen at large. I could not personally serve my country in the field: my habits as well as my infirmities prevented, to say nothing of my age; but I have endeavored in this humble work to add my contribution, small though it may be, to political science, and to discharge, as far as I am able, my debt of loyalty and patriotism. I would the book were more of a book, more worthy of my countrymen, and a more weighty proof of the love I bear them, and with which I have written it. All I can say is, that it is an honest book, a sincere book, and contains my best thoughts on the subjects treated. If well received, I shall be grateful; if neglected, I shall endeavor to practise resignation, as I have so often done.

ELIZABETH, N. J., *September* 16, 1865.

## CHAPTER I.—INTRODUCTION.

THE ancients summed up the whole of human wisdom in the maxim, Know Thyself, and certainly there is for an individual no more important as there is no more difficult knowledge, than knowledge of himself, whence he comes, whither he goes, what he is, what he is for, what he can do, what he ought to do, and what are his means of doing it.

Nations are only individuals on a larger scale. They have a life, an individuality, a reason, a conscience, and instincts of their own, and have the same general laws of development and growth, and, perhaps, of decay, as the individual man. Equally important, and no less difficult than for the individual, is it for a nation to know itself, understand its own existence, its own powers and faculties, rights

and duties, constitution, instincts, tendencies, and destiny. A nation has a spiritual as well as a material, a moral as well as a physical existence, and is subjected to internal as well as external conditions of health and virtue, greatness and grandeur, which it must in some measure understand and observe, or become weak and infirm, stunted in its growth, and end in premature decay and death.

Among nations, no one has more need of full knowledge of itself than the United States, and no one has hitherto had less. It has hardly had a distinct consciousness of its own national existence, and has lived the irreflective life of the child, with no severe trial, till the recent rebellion, to throw it back on itself and compel it to reflect on its own constitution, its own separate existence, individuality, tendencies, and end. The defection of the slaveholding states, and the fearful struggle that has followed for national unity and integrity, have brought it at once to a distinct recognition of itself, and forced it to pass from thoughtless, careless, heedless, reckless adolescence to grave and reflecting manhood. The nation has been suddenly compelled to study itself, and henceforth must act from reflection, understanding, science, statesmanship, not from instinct, impulse, passion, or caprice, knowing well what it does, and wherefore it does it. The change which four years of civil war have wrought in the nation is great, and is sure to give it the seriousness, the gravity, the dignity, the manliness it has heretofore lacked.

Though the nation has been brought to a consciousness of its own existence, it has not, even yet, attained to a full and clear understanding of its own national constitution. Its vision is still obscured by the floating mists of its earlier morning, and its judgment rendered indistinct and indecisive by the wild theories and fancies of its childhood. The national mind has been quickened, the national heart has been opened, the national disposition prepared, but there remains the important work of dissipating the mists that still linger, of brushing away these wild theories and fancies, and of enabling it to form a clear and intelligent judgment of itself, and a true and just appreciation of its own constitution, tendencies, and destiny; or, in other words, of enabling the nation to understand its own idea, and the means of its actualization in space and time.

Every living nation has an idea given it by Providence to realize, and whose realization is its special work, mission, or destiny. Every nation is, in some sense, a chosen people

of God. The Jews were the chosen people of God, through whom the primitive traditions were to be preserved in their purity and integrity, and the Messiah was to come. The Greeks were the chosen people of God, for the development and realization of the beautiful or the divine splendor in art, and of the true in science and philosophy; and the Romans, for the development of the state, law, and jurisprudence. The great despotic nations of Asia were never properly nations; or if they were nations with a mission, they proved false to it, and count for nothing in the progressive development of the human race. History has not recorded their mission, and as far as they are known they have contributed only to the abnormal development or corruption of religion and civilization. Despotism is barbaric and abnormal.

The United States, or the American republic, has a mission, and is chosen of God for the realization of a great idea. It has been chosen not only to continue the work assigned to Greece and Rome, but to accomplish a greater work than was assigned to either. In art, it will prove false to its mission if it do not rival Greece; and in science and philosophy, if it do not surpass it. In the state, in law, in jurisprudence, it must continue and surpass Rome. Its idea is liberty, indeed, but liberty with law, and law with liberty. Yet its mission is not so much the realization of liberty as the realization of the true idea of the state, which secures at once the authority of the public and the freedom of the individual—the sovereignty of the people without social despotism, and individual freedom without anarchy. In other words, its mission is to bring out in its life the dialectic union of authority and liberty, of the natural rights of man and those of society. The Greek and Roman republics asserted the state to the detriment of individual freedom; modern republics either do the same, or assert individual freedom to the detriment of the state. The American republic has been instituted by Providence to realize the freedom of each with advantage to the other.

The real mission of the United States is to introduce and establish a political constitution, which, while it retains all the advantages of the constitutions of states thus far known, is unlike any of them, and secures advantages which none of them did or could possess. The American constitution has no prototype in any prior constitution. The American form of government can be classed throughout with none of

the forms of government described by Aristotle, or even by later authorities. Aristotle knew only four forms of government: monarchy, aristocracy, democracy, and mixed governments. The American form is none of these, nor any combination of them. It is original, a new contribution to political science, and seeks to attain the end of all wise and just government by means unknown or forbidden to the ancients, and which have been but imperfectly comprehended even by American political writers themselves. The originality of the American constitution has been overlooked by the great majority even of our own statesmen, who seek to explain it by analogies borrowed from the constitutions of other states rather than by a profound study of its own principles. They have taken too low a view of it, and have rarely, if ever, appreciated its distinctive and peculiar merits.

As the United States have vindicated their national unity and integrity, and are preparing to take a new start in history, nothing is more important than that they should take that new start with a clear and definite view of their national constitution, and with a distinct understanding of their political mission in the future of the world. The citizen who can help his countrymen to do this will render them an important service and deserve well of his country, though he may have been unable to serve in her armies and defend her on the battle-field. The work now to be done by American statesmen is even more difficult and more delicate than that which has been accomplished by our brave armies. As yet the people are hardly better prepared for the political work to be done than they were at the outbreak of the civil war for the military work they have so nobly achieved. But, with time, patience, and good-will, the difficulties may be overcome, the errors of the past corrected, and the government placed on the right track for the future.

It will hardly be questioned that either the constitution of the United States is very defective or it has been very grossly misinterpreted by all parties. If the slave states had not held that the states are severally sovereign, and the constitution of the United States a simple agreement or compact, they would never have seceded; and if the free states had not confounded the Union with the general government, and shown a tendency to make it the entire national government, no occasion or pretext for secession would have been given. The great problem of our statesmen has

been from the first, How to assert union without consolidation, and state rights without disintegration? Have they, as yet, solved that problem? The war has silenced the state sovereignty doctrine, indeed, but has it done so without lesion to state rights? Has it done it without asserting the general government as the supreme, central, or national government? Has it done it without striking a dangerous blow at the federal element of the constitution? In suppressing by armed force the doctrine that the states are severally sovereign, what barrier is left against consolidation? Has not one danger been removed only to give place to another?

But perhaps the constitution itself, if rightly understood, solves the problem; and perhaps the problem itself is raised precisely through misunderstanding of the constitution. Our statesmen have recognized no constitution of the American people themselves; they have confined their views to the written constitution, as if that constituted the American people a state or nation, instead of being, as it is, only a law ordained by the nation already existing and constituted. Perhaps, if they had recognized and studied the constitution which preceded that drawn up by the convention of 1787, and which is intrinsic, inherent in the republic itself, they would have seen that it solves the problem, and asserts national unity without consolidation, and the rights of the several states without danger of disintegration. The whole controversy, possibly, has originated in a misunderstanding of the real constitution of the United States, and that misunderstanding itself in the misunderstanding of the origin and constitution of government in general. The constitution, as will appear in the course of this essay, is not defective; and all that is necessary to guard against either danger is to discard all our theories of the constitution, and return and adhere to the constitution itself, as it really is and always has been.

There is no doubt that the question of slavery had much to do with the rebellion, but it was not its sole cause. The real cause must be sought in the progress that had been made, especially in the states themselves, in forming and administering their respective governments, as well as the general government, in accordance with political theories borrowed from European speculators on government, the so-called liberals and revolutionists, which have and can have no legitimate application in the United States. The

tendency of American politics, for the last thirty or forty years, has been, within the several states themselves, in the direction of centralized democracy, as if the American people had for their mission only the reproduction of ancient Athens. The American system is not that of any of the simple forms of government, nor any combination of them. The attempt to bring it under any of the simple or mixed forms of government recognized by political writers, is an attempt to clothe the future in the cast-off garments of the past. The American system, wherever practicable, is better than monarchy, better than aristocracy, better than simple democracy, better than any possible combination of these several forms, because it accords more nearly with the principles of things, the real order of the universe.

But American statesmen have studied the constitutions of other states more than that of their own, and have succeeded in obscuring the American system in the minds of the people, and giving them in its place pure and simple democracy, which is its false development or corruption. Under the influence of this false development, the people were fast losing sight of the political truth that, though the people are sovereign, it is the organic, not the inorganic people, the territorial people, not the people as simple population, and were beginning to assert the absolute God-given right of the majority to govern. All the changes made in the bosom of the states themselves have consisted in removing all obstacles to the irresponsible will of the majority, leaving minorities and individuals at their mercy. This tendency to a centralized democracy had more to do with provoking secession and rebellion than the anti-slavery sentiments of the northern, central, and western states.

The failure of secession and the triumph of the national cause, in spite of the short-sightedness and blundering of the administration, have proved the vitality and strength of the national constitution, and the greatness of the American people. They say nothing for or against the democratic theory of our demagogues, but everything in favor of the American system or constitution of government, which has found a firmer support in American instincts than in American statesmanship. In spite of all that had been done by theorists, radicals, and revolutionists, no-government men, non-resistants, humanitarians, and sickly sentimentalists to corrupt the American people in mind, heart, and body, the native vigor of their national constitution has enabled them

to come forth triumphant from the trial. Every American patriot has reason to be proud of his countrymen, and every American lover of freedom to be satisfied with the institutions of his country. But there is danger that the politicians and demagogues will ascribe the merit, not to the real and living national constitution, but to their miserable theories of that constitution, and labor to aggravate the several evils and corrupt tendencies which caused the rebellion it has cost so much to suppress. What is now wanted is, that the people, whose instincts are right, should understand the American constitution as it is, and so understand it as to render it impossible for political theorists, no matter of what school or party, to deceive them again as to its real import, or induce them to depart from it in their political action.

A work written with temper, without passion or sectional prejudice, in a philosophical spirit, explaining to the American people their own national constitution, and the mutual relations of the general government and the state governments, cannot, at this important crisis in our affairs, be inopportune, and, if properly executed, can hardly fail to be of real service. Such a work is now attempted—would it were by another and abler hand—which, imperfect as it is, may at least offer some useful suggestions, give a right direction to political thought, although it should fail to satisfy the mind of the reader.

This much the author may say in favor of his own work, that it sets forth no theory of government in general, or of the United States in particular. The author is not a monarchist, an aristocrat, a democrat, a feudalist, nor an advocate of what are called mixed governments like the English, at least for his own country; but is simply an American, devoted to the real, living, and energizing constitution of the American republic as it is, not as some may fancy it might be, or are striving to make it. It is, in his judgment what it ought to be, and he has no other ambition than to present it as it is to the understanding and love of his countrymen.

Perhaps simple artistic unity and propriety would require the author to commence his essay directly with the United States; but while the constitution of the United States is original and peculiar, the government of the United States has necessarily something in common with all legitimate governments, and he has thought it best to

precede his discussion of the American republic, its constitution, tendencies, and destiny, by some considerations on government in general. He does this because he believes, whether rightly or not, that while the American people have received from Providence a most truly profound and admirable system of government, they are more or less infected with the false theories of government which have been broached during the last two centuries. In attempting to realize these theories, they have already provoked or rendered practicable a rebellion which has seriously threatened the national existence, and come very near putting an end to the American order of civilization itself. These theories have received already a shock in the minds of all serious and thinking men; but the men who think are in every nation a small minority and it is necessary to give these theories a public refutation, and bring back those who do not think, as well as those who do, from the world of dreams to the world of reality. It is hoped, therefore, that any apparent want of artistic unity or symmetry in the essay will be pardoned for the sake of the end the author has had in view.

## CHAPTER II.—GOVERNMENT.

MAN is a dependent being, and neither does nor can suffice for himself. He lives not in himself, but lives and moves and has his being in God. He exists, develops, and fulfils his existence only by communion with God, through which he participates of the divine being and life. He communes with God through the divine creative act and the incarnation of the Word, through his kind, and through the material world. Communion with God through creation and incarnation is religion, distinctively taken, which binds man to God as his first cause, and carries him onward to God as his final cause; communion through the material world is expressed by the word property; and communion with God through humanity is society. Religion, society, property, are the three terms that embrace the whole of man's life, and express the essential means and conditions of his existence, his development, and his perfection, or the fulfilment of his existence, the attainment of the end for which he is created.

Though society, or the communion of man with his Maker through his kind, is not all that man needs in order to live,

to grow, to actualize the possibilities of his nature, and to attain to his beatitude, since humanity is neither God nor the material universe, it is yet a necessary and essential condition of his life, his progress, and the completion of his existence. He is born and lives in society, and can be born and live nowhere else. It is one of the necessities of his nature. "God saw that it was not good for man to be alone." Hence, wherever man is found he is found in society, living in more or less strict intercourse with his kind.

But society never does and never can exist without government of some sort. As society is a necessity of man's nature, so is government a necessity of society. The simplest form of society is the family—Adam and Eve. But though Adam and Eve are in many respects equal, and have equally important though different parts assigned them, one or the other must be head and governor, or they cannot form the society called family. They would be simply two individuals of different sexes, and the family would fail for the want of unity. Children cannot be reared, trained, or educated without some degree of family government, of some authority to direct, control, restrain, or prescribe. Hence the authority of the husband and father is recognized by the common consent of mankind. Still more apparent is the necessity of government the moment the family develops and grows into the tribe, and the tribe into the nation. Hence no nation exists without government; and we never find a savage tribe, however low or degraded, that does not assert somewhere, in the father, in the elders, or in the tribe itself, the rude outlines or the faint reminiscences of some sort of government, with authority to demand obedience and to punish the refractory. Hence, as man is nowhere found out of society, so nowhere is society found without government.

Government is necessary: but let it be remarked by the way, that its necessity does not grow exclusively or chiefly out of the fact that the human race by sin has fallen from its primitive integrity, or original righteousness. The fall asserted by Christian theology, though often misinterpreted, and its effects underrated or exaggerated, is a fact too sadly confirmed by individual experience and universal history; but it is not the cause why government is necessary, though it may be an additional reason for demanding it. Government would have been necessary if man had not sinned, and it is needed for the good as well as for the bad. The

law was promulgated in the garden, while man retained his innocence and remained in the integrity of his nature. It exists in heaven as well as on earth, and in heaven in its perfection. Its office is not purely repressive, to restrain violence, to redress wrongs, and to punish the transgressor. It has something more to do than to restrict our natural liberty, curb our passions, and maintain justice between man and man. Its office is positive as well as negative. It is needed to render effective the solidarity of the individuals of a nation, and to render the nation an organism, not a mere organization—to combine men in one living body, and to strengthen all with the strength of each, and each with the strength of all—to develop, strengthen, and sustain individual liberty, and to utilize and direct it to the promotion of the common weal—to be a social providence, imitating in its order and degree the action of the divine providence itself, and, while it provides for the common good of all, to protect each, the lowest and meanest, with the whole force and majesty of society. It is the minister of wrath to wrongdoers, indeed, but its nature is beneficent, and its action defines and protects the right of property, creates and maintains a medium in which religion can exert her supernatural energy, promotes learning, fosters science and art, advances civilization, and contributes as a powerful means to the fulfilment by man of the divine purpose in his existence. Next after religion, it is man's greatest good; and even religion without it can do only a small portion of her work. They wrong it who call it a necessary evil; it is a great good, and, instead of being distrusted, hated, or resisted, except in its abuses, it should be loved, respected, obeyed, and, if need be, defended at the cost of all earthly goods, and even of life itself.

The nature or essence of government is to govern. A government that does not govern, is simply no government at all. If it has not the ability to govern and governs not, it may be an agency, an instrument in the hands of individuals for advancing their private interests, but it is not government. To be government, it must govern both individuals and the community. If it is a mere machine for making prevail the will of one man, of a certain number of men, or even of the community, it may be very effective sometimes for good, sometimes for evil, oftenest for evil, but government in the proper sense of the word it is not. To govern is to direct, control, restrain, as the pilot con-

trols and directs his ship. It necessarily implies two terms, governor and governed, and a real distinction between them. The denial of all real distinction between governor and governed is an error in politics analogous to that in philosophy or theology of denying all real distinction between creator and creature, God and the universe, which all the world knows is either pantheism or pure atheism—the supreme sophism. If we make governor and governed one and the same, we efface both terms; for there is no governor nor governed, if the will that governs is identically the will that is governed. To make the controller and the controlled the same, is precisely to deny all control. There must, then, if there is government at all, be a power, force, or will that governs, distinct from that which is governed. In those governments in which it is held that the people govern, the people governing do and must act in a diverse relation from the people governed, or there is no real government.

Government is not only that which governs, but that which has the right or authority to govern. Power without right is not government. Governments have the right to use force at need, but might does not make right, and not every power wielding the physical force of a nation is to be regarded as its rightful government. Whatever resort to physical force it may be obliged to make, either in defence of its authority or of the rights of the nation, the government itself lies in the moral order, and politics is simply a branch of ethics—that branch which treats of the rights and duties of men in their public relations, as distinguished from their rights and duties in their private relations.

Government being not only that which governs, but that which has the right to govern, obedience to it becomes a moral duty, not a mere physical necessity. The right to govern and the duty to obey are correlatives, and the one cannot exist or be conceived without the other. Hence loyalty is not simply an amiable sentiment, but a duty, a moral virtue. Treason is not merely a difference in political opinion from the governing authority, but a crime against the sovereign, and a moral wrong, therefore a sin against God, the founder of the moral law. Treason, if committed in other countries, unhappily, has been more frequently termed by our countrymen patriotism and loaded with honor than branded as a crime, the greatest of crimes, as it

is, that human governments have authority to punish. The American people have been chary of the word loyalty, perhaps because they regard it as the correlative of royalty; but loyalty is rather the correlative of law, and is, in its essence, love and devotion to the sovereign authority, however constituted or wherever lodged. It is as necessary, as much a duty, as much a virtue in republics as in monarchies; and nobler examples of the most devoted loyalty are not found in the world's history than were exhibited in the ancient Greek and Roman republics, or than have been exhibited by both men and women in the young republic of the United States. Loyalty is the highest, noblest, and most generous of human virtues, and is the human element of that sublime love or charity which the inspired apostle tells us is the fulfilment of the law. It has in it the principle of devotion, of self-sacrifice, and is, of all human virtues, that which renders man the most godlike. There is nothing great, generous, good, or heroic of which a truly loyal people are not capable, and nothing mean, base, cruel, brutal, criminal, detestable, not to be expected of a really disloyal people. Such a people no generous sentiment can move, no love can bind. It mocks at duty, scorns virtue, tramples on all rights, and holds no person, no thing, human or divine, sacred or inviolable.

The assertion of government as lying in the moral order, defines civil liberty, and reconciles it with authority. Civil liberty is freedom to do whatever one pleases that authority permits or does not forbid. Freedom to follow in all things one's own will or inclination, without any civil restraint, is license, not liberty. There is no lesion to liberty in repressing license, nor in requiring obedience to the commands of the authority that has the right to command. Tyranny or oppression is not in being subjected to authority, but in being subjected to usurped authority—to a power that has no right to command, or that commands what exceeds its right or its authority. To say that it is contrary to liberty to be forced to forego our own will or inclination in any case whatever, is simply denying the right of all government, and falling into no-governmentism. Liberty is violated only when we are required to forego our own will or inclination by a power that has no right to make the requisition; for we are bound to obedience as far as authority has the right to govern, and we can never have the right to disobey a rightful command. The requisition, if made

by rightful authority, then, violates no right that we have or can have, and where there is no violation of our rights there is no violation of our liberty. The moral right of authority, which involves the moral duty of obedience, presents, then, the ground on which liberty and authority may meet in peace and operate to the same end.

This has no resemblance to the slavish doctrine of passive obedience, and that resistance to power can never be lawful. The tyrant may be lawfully resisted, for the tyrant, by force of the word itself, is a usurper, and without authority. Abuses of power may be resisted even by force when they become too great to be endured, when there is no legal or regular way of redressing them, and when there is a reasonable prospect that resistance will prove effectual and substitute something better in their place. But it is never lawful to resist the rightful sovereign, for it can never be right to resist right, and the rightful sovereign in the constitutional exercise of his power can never be said to abuse it. Abuse is the unconstitutional or wrongful exercise of a power rightfully held, and when it is not so exercised there is no abuse or abuses to redress. All turns, then, on the right of power, or its legitimacy. Whence does government derive its right to govern? What is the origin and ground of sovereignty? This question is fundamental, and without a true answer to it politics cannot be a science, and there can be no scientific statesmanship. Whence, then, comes the sovereign right to govern?

## CHAPTER III.—ORIGIN OF GOVERNMENT.

GOVERNMENT is both a fact and a right. Its origin as a fact, is simply a question of history; its origin as a right or authority to govern, is a question of ethics. Whether a certain territory and its population are a sovereign state or nation, or not—whether the actual ruler of a country is its rightful ruler, or not—is to be determined by the historical facts in the case; but whence the government derives its right to govern, is a question that can be solved only by philosophy, or, philosophy failing, only by revelation.

Political writers, not carefully distinguishing between the fact and the right, have invented various theories as to the origin of government, among which may be named—

I. Government originates in the right of the father to govern his child. II. It originates in convention, and is a

social compact. III. It originates in the people, who, collectively taken, are sovereign. IV. Government springs from the spontaneous development of nature. V. It derives its right from the immediate and express appointment of God;—VI. From God through the pope, or visible head of the spiritual society;—VII. From God through the people;—VIII. From God through the natural law.

I. The first theory is sound, if the question is confined to the origin of government as a fact. The patriarchal system is the earliest known system of government, and unmistakable traces of it are found in nearly all known governments—in the *tribes* of Arabia and northern Africa, the Irish *septs* and the Scottish *clans*, the Tartar *hordes*, the Roman *gentes*, and the Russian and Hindoo *villages*. The right of the father was held to be his right to govern his family or household, which, with his children, included his wife and servants. From the family to the tribe the transition is natural and easy, as also from the tribe to the nation. The father is chief of the family; the chief of the eldest family is chief of the tribe; the chief of the eldest tribe becomes chief of the nation, and, as such, king or monarch. The heads of families collected in a senate form an aristocracy, and the families themselves, represented by their delegates, or publicly assembling for public affairs, constitute a democracy. These three forms, with their several combinations, to wit, monarchy, aristocracy, democracy, and mixed governments, are all the forms known to Aristotle, and have generally been held to be all that are possible.

Historically, all governments have, in some sense, been developed from the patriarchal, as all society has been developed from the family. Even those governments, like the ancient Roman and the modern feudal, which seem to be founded on landed property, may be traced back to a patriarchal origin. The patriarch is sole proprietor, and the possessions of the family are vested in him, and he governs as proprietor as well as father. In the tribe, the chief is the proprietor, and in the nation, the king is the landlord, and holds the domain. Hence, the feudal baron is invested with his fief by the suzerain, holds it from him, and to him it escheats when forfeited or vacant. All the great Asiatic kings of ancient or modern times hold the domain and govern as proprietors; they have the authority of the father and the owner; and their subjects, though theoretically their children, are really their slaves.

In Rome, however, the proprietary right undergoes an important transformation. The father retains all the power of the patriarch within his family, the patrician in his *gens* or house, but, outside of it, is met and controlled by the city or state. The heads of houses are united in the senate, and collectively constitute and govern the state. Yet, not all the heads of houses have seats in the senate, but only the tenants of the sacred territory of the city, which has been surveyed and marked by the god Terminus. Hence the great plebeian houses, often richer and nobler than the patrician, were excluded from all share in the government and the honors of the state, because they were not tenants of any portion of the sacred territory. There is here the introduction of an element which is not patriarchal, and which transforms the patriarch or chief of a tribe into the city or state, and founds the civil order, or what is now called civilization. The city or state takes the place of the private proprietor, and territorial rights take the place of purely personal rights.

In the theory of the Roman law, the land owns the man, not the man the land. When land was transferred to a new tenant, the practice in early times was to bury him in it, in order to indicate that it took possession of him, received, accepted, or adopted him; and it was only such persons as were taken possession of, accepted or adopted by the sacred territory or domain that, though denizens of Rome, were citizens with full political rights. This, in modern language, means that the state is territorial, not personal, and that the citizen appertains to the state, not the state to the citizen. Under the patriarchal, the tribal, and the Asiatic monarchical systems, there is, properly speaking, no state, no citizens, and the organization is economical rather than political. Authority—even the nation itself—is personal, not territorial. The patriarch, the chief of the tribe, or the king, is the only proprietor. Under the Græco-Roman system all this is transformed. The nation is territorial as well as personal, and the real proprietor is the city or state. Under the empire, no doubt, what lawyers call the eminent domain was vested in the emperor, but only as the representative and trustee of the city or state.

When or by what combination of events this transformation was effected, history does not inform us. The first-born of Adam, we are told, built a city, and called it after his son Enoch; but there is no evidence that it was consti-

tuted a municipality. The earliest traces of the *civil* order proper are found in the Greek and Italian republics, and its fullest and grandest developments are found in Rome, imperial as well as republican. It was no doubt preceded by the patriarchal system, and was historically developed from it, but by way of accretion, rather than by simple explication. It has in it an element that, if it exists in the patriarchal constitution, exists there only in a different form, and the transformation marks the passage from the economical order to the political, from the barbaric to the civil constitution of society, or from barbarism to civilization.

The word civilization stands opposed to barbarism, and is derived from *civitas*—city or state. The Greeks and Romans call all tribes and nations in which authority is vested in the chief, as distinguished from the state, barbarians. The origin of the word *barbarian*, *barbarus*, or *βάρβαρος*, is unknown, and its primary sense can be only conjectured.* Webster regards its primary sense as foreign, wild, fierce; but this could not have been its original sense; for the Greeks and Romans never termed all foreigners barbarians, and they applied the term to nations that had no inconsiderable culture and refinement of manners, and that had made respectable progress in art and science—as the Indians, Persians, Medians, Chaldeans, and Assyrians. They applied the term evidently in a political, not an ethical or an æsthetical sense, and as it would seem to designate a social order in which the state was not developed, and in which the nation was personal, not territorial, and authority was held as a private right, not as a public trust, or in which the domain vests in the chief or tribe, and not in the state; for they never term any others barbarians.

Republic is opposed not to monarchy, in the modern European sense, but to monarchy in the ancient or absolute sense. Lacedæmon had kings; yet it was no less republican than Athens; and Rome was called and was a republic under the emperors no less than under the consuls. Republic, *respublica*, by the very force of the term, means the public wealth, or, in good English, the commonwealth; that is, government founded not on personal or private wealth,

[* Perhaps from *vir-vir* or *viri-viri*, men that are men. Hence the meaning is a nation or tribe where every man is a man in the full sense of the word, and not absorbed in the state. A similar change of the root *vir* is found in *baron*, and the Spanish *varon* and the Portuguese *varão*.—ED.]

but on the public wealth, public territory, or domain, or a government that vests authority in the nation, and attaches the nation to a certain definite territory. France, Spain, Italy, Holland, Belgium, Denmark, even Great Britain in substance though not in form, are all, in the strictest sense of the word, republican states; for the king or emperor does not govern in his own private right, but solely as representative of the power and majesty of the state. The distinctive mark of republicanism is the substitution of the state for the personal chief, and public authority for personal or private right. Republicanism is really civilization as opposed to barbarism, and all civility, in the old sense of the word, or *civiltà* in Italian, is republican, and is applied in modern times to breeding, or refinement of manners, simply because these are characteristics of a republican, or polished [from *πολις*, city] people. Every people that has a real civil order, or a fully developed state or polity, is a republican people; and hence the church and her great doctors, when they speak of the state as distinguished from the church, call it the *republic*, as may be seen by consulting even a late encyclical of Pius IX., which some have interpreted wrongly in an anti-republican sense.

All tribes and nations in which the patriarchal system remains, or is developed without transformation, are barbaric, and really so regarded by all Christendom. In civilized nations the patriarchal authority is transformed into that of the city or state, that is, of the republic; but in all barbarous nations it retains its private and personal character. The nation is only the family or tribe, and is called by the name of its ancestor, founder, or chief, not by a geographical denomination. Race has not been supplanted by country; they are a people, not a state. They are not fixed to the soil, and though we may find in them ardent love of family, the tribe, or the chief, we never find among them that pure love of country or patriotism which so distinguished the Greeks and Romans, and is no less marked among modern Christian nations. They have a family, a race, a chief or king, but no *patria*, or country. The barbarians who overthrew the Roman empire, whether of the West or the East, were nations, or confederacies of nations, but not states. The nation with them was personal, not territorial. Their country was wherever they fed their flocks and herds, pitched their tents, and encamped for the night. There were Germans, but no German state, and

even to-day the German finds his "father-land" wherever the German speech is spoken. The Polish, Sclavonian, Hungarian, Illyrian, Italian, and other provinces held by German states, in which the German language is not the mother-tongue, are excluded from the Germanic confederation. The Turks, or Osmanlis, are a race, not a state, and are encamped, not settled, on the site of the eastern Roman, or Greek empire.

Even when the barbaric nations have ceased to be nomadic, pastoral, or predatory nations, as the ancient Assyrians and Persians or modern Chinese, and have their geographical boundaries, they have still no state, no country. The nation defines the boundaries, not the boundaries the nation. The nation does not belong to the territory, but the territory to the nation or its chief. The Irish and Anglo-Saxons, in former times, held the land in gavelkind, and the territory belonged to the tribe or sept; but if the tribe held it as indivisible, they still held it as private property. The shah of Persia holds the whole Persian territory as private property, and the landholders among his subjects are held to be his tenants. They hold it from him, not from the Persian state. The public domain of the Greek empire is in theory the private domain of the Ottoman emperor or Turkish sultan. There is in barbaric states no republic, no commonwealth; authority is parental, without being tempered by parental affection. The chief is a despot, and rules with the unlimited authority of the father and the harshness of the proprietor. He owns the land and his subjects.

Feudalism, established in western Europe after the downfall of the Roman empire, however modified by the church and by reminiscences of Græco-Roman civilization retained by the conquered, was a barbaric constitution. The feudal monarch, as far as he governed at all, governed as proprietor or landholder, not as the representative of the commonwealth. Under feudalism there are estates, but no state. The king governs as an estate, the nobles hold their power as an estate, and the commons are represented as an estate. The whole theory of power is, that it is an estate; a private right, not a public trust. It is not without reason, then, that the common sense of civilized nations terms the ages when it prevailed in western Europe barbarous ages.

It may seem a paradox to class democracy with the barbaric constitutions, and yet as it is defended by many stanch

democrats, especially European democrats and revolutionists, and by French and Germans settled in our own country, it is essentially barbaric and anti-republican. The characteristic principle of barbarism is, that power is a private or personal right, and when democrats assert that the elective franchise is a natural right of man, or that it is held by virtue of the fact that the elector is a man, they assert the fundamental principle of barbarism and despotism. This says nothing in favor of restricted suffrage, or against what is called universal suffrage. To restrict suffrage to property-holders helps nothing, theoretically or practically. Property has of itself advantages enough, without clothing it holders with exclusive political rights and privileges, and the laboring classes any day are as trustworthy as the business classes. The wise statesman will never restrict suffrage, or exclude the poorer and more numerous classes from all voice in the government of their country. General suffrage is wise, and if Louis Philippe had had the sense to adopt it, and thus rally the whole nation to the support of his government, he would never have had to encounter the revolution of 1848. The barbarism, the despotism, is not in universal suffrage, but in defending the elective franchise as a private or personal right. It is not a private, but a political right, and, like all political rights, a public trust. Extremes meet, and thus it is that men who imagine that they march at the head of the human race and lead the civilization of the age, are really in principle retrograding to the barbarism of the past, or taking their place with nations on whom the light of civilization has never yet dawned. All is not gold that glisters.

The characteristic of barbarism is, that it makes all authority a private or personal right; and the characteristic of civilization is, that it makes it a public trust. Barbarism knows only persons; civilization asserts and maintains the state. With barbarians the authority of the patriarch is developed simply by way of explication; in civilized states it is developed by way of transformation. Keeping in mind this distinction, it may be maintained that all systems of government, as a simple historical fact, have been developed from the patriarchal. The patriarchal has preceded them all, and it is with the patriarchal that the human race has begun its career. The family or household is not a state, a civil polity, but it is a government, and, historically considered, is the initial or inchoate state as well as the initial

or inchoate nation. But its simple direct development gives us barbarism, or what is called oriental despotism, and which nowhere exists, or can exist, in Christendom. It is found only in pagan and Mohammedan nations; Christianity in the secular order is republican, and continues and completes the work of Greece and Rome. It meets with little permanent success in any patriarchal or despotic nation, and must either find or create civilization, which has been developed from the patriarchal system by way of transformation.

But, though the patriarchal system is the earliest form of government, and all governments have been developed or modified from it, the right of government to govern cannot be deduced from the right of the father to govern his children, for the parental right itself is not ultimate or complete. All governments that assume it to be so, and rest on it as the foundation of their authority, are barbaric or despotic, and, therefore, without any legitimate authority. The right to govern rests on ownership or dominion. Where there is no proprietorship, there is no dominion; and where there is no dominion, there is no right to govern. Only he who is sovereign proprietor is sovereign lord.

Property, ownership, dominion rests on creation. The maker has the right to the thing made. He, so far as he is sole creator, is sole proprietor, and may do what he will with it. God is sovereign lord and proprietor of the universe, because he is its sole creator. He hath the absolute dominion, because he is absolute maker. He has made it, he owns it; and one may do what he will with his own. His dominion is absolute, because he is absolute creator, and he rightly governs as absolute and universal lord; yet he is no despot, because he exercises only his sovereign right, and his own essential wisdom, goodness, justness, rectitude, and immutability are the highest of all conceivable guaranties that his exercise of his power will always be right, wise, just, and good. The despot is a man attempting to be God upon earth, and to exercise a usurped power. Despotism is based on the parental right, and the parental right is assumed to be absolute. Hence, your despotic rulers claim to reign, and to be loved and worshipped as gods. Even the Roman emperors, in the fourth and fifth centuries, were addressed as divinities; and Theodosius the Great, a Christian, was addressed as "Your Eternity," *Eternitas Vestra*—so far did barbarism encroach on civilization, even under Christian emperors.

The right of the father over his child is an imperfect right, for he is the generator, not the creator of his child. Generation is in the order of second causes, and is simply the development or explication of the race. The early Roman law, founded on the confusion of generation with creation, gave the father absolute authority over the child—the right of life and death, as over his servants or slaves; but this was restricted under the empire, and in all Christian nations the authority of the father is treated, like all power, as a trust. The child, like the father himself, belongs to the state, and to the state the father is answerable for the use he makes of his authority. The law fixes the age of majority, when the child is completely emancipated; and even during his nonage, takes him from the father and places him under guardians, in case the father is incompetent to fulfil or grossly abuses his trust. This is proper, because society contributes to the life of the child, and has a right as well as an interest in him. Society, again, must suffer if the child is allowed to grow up a worthless vagabond or a criminal; and has a right to intervene, both in behalf of itself and of the child, in case his parents neglect to train him up in the nurture and admonition of the Lord, or are training him up to be a liar, a thief, a drunkard, a murderer, a pest to the community. How, then, base the right of society on the right of the father, since, in point of fact, the right of society is paramount to the right of the parent?

But even waiving this, and granting what is not the fact, that the authority of the father is absolute, unlimited, it cannot be the ground of the right of society to govern. Assume the parental right to be perfect and inseparable from the parental relation, it is no right to govern where no such relation exists. Nothing true, real, solid in government can be founded on what Carlyle calls a "sham." The statesman, if worthy of the name, ascertains and conforms to the realities, the verities of things; and all jurisprudence that accepts legal fictions is imperfect, and even censurable. The presumptions or assumptions of law or politics must have a real and solid basis, or they are inadmissible. How, from the right of the father to govern his own child, born from his loins, conclude his right to govern one not his child? Or how, from my right to govern my child, conclude the right of society to found the state, institute government, and exercise political authority over its members?

## CHAPTER IV.—ORIGIN OF GOVERNMENT, CONTINUED.

II. REJECTING the patriarchal theory as untenable, and shrinking from asserting the divine origin of government, lest they should favor theocracy, and place secular society under the control of the clergy, and thus disfranchise the laity, modern political writers have sought to render government purely human, and maintain that its origin is conventional, and that it is founded in compact or agreement. Their theory originated in the seventeenth century, and was predominant in the last century and the first third of the present. It has been, and perhaps is yet, generally accepted by American politicians and statesmen, at least so far as they ever trouble their heads with the question at all, which it must be confessed is not far.

The moral theologians of the church have generally spoken of government as a social pact or compact, and explained the reciprocal rights and obligations of subjects and rulers by the general law of contracts; but they have never held that government originates in a voluntary agreement between the people and their rulers, or between the several individuals composing the community. They have never held that government has only a conventional origin or authority. They have simply meant, by the social compact, the mutual relations and reciprocal rights and duties of princes and their subjects, as implied in the very existence and nature of civil society. Where there are rights and duties on each side, they treat the fact, not as an agreement voluntarily entered into, and which creates them, but as a compact which binds alike sovereign and subject; and in determining whether either side has sinned or not, they inquire whether either has broken the terms of the social compact. They were engaged, not with the question whence does government derive its authority, but with its nature, and the reciprocal rights and duties of governors and the governed. The compact itself they held was not voluntarily formed by the people themselves, either individually or collectively, but was imposed by God, either immediately, or mediately, through the law of nature. "Every man," says Cicero, "is born in society, and remains there." They held the same, and maintained that every one born into society contracts by that fact certain obligations to society, and society certain obligations to him; for under the natural law, every one has certain rights, as life, liberty, and the

pursuit of happiness, and owes certain duties to society for the protection and assistance it affords him.

But modern political theorists have abused the phrase borrowed from the theologians, and made it cover a political doctrine which they would have been the last to accept. These theorists or political speculators have imagined a state of nature antecedently to civil society, in which men lived without government, law, or manners, out of which they finally came by entering into a voluntary agreement with some one of their number to be king and to govern them, or with one another to submit to the rule of the majority. Hobbes, the English materialist, is among the earliest and most distinguished of the advocates of this theory. He held that men lived, prior to the creation of civil society, in a state of nature, in which all were equal, and every one had an equal right to every thing, and to take any thing which he could lay his hands on and was strong enough to hold. There was no law but the will of the strongest. Hence, the state of nature was a state of continual war. At length, wearied and disgusted, men sighed for peace, and, with one accord, said to the tallest, bravest, or ablest among them: Come, be our king, our master, our sovereign lord, and govern us; we surrender our natural rights and our natural independence to you, with no other reserve or condition than that you maintain peace among us, keep us from robbing and plundering one another or cutting each other's throats.

Locke followed Hobbes, and asserted virtually the same theory, but asserted it in the interests of liberty, as Hobbes had asserted it in the interests of power. Rousseau, a citizen of Geneva, followed in the next century with his *Contrat Social*, the text-book of the French revolutionists—almost their bible—and put the finishing stroke to the theory. Hitherto the compact or agreement had been assumed to be between the governor and the governed; Rousseau supposes it to be between the people themselves, or a compact to which the people are the only parties. He adopts the theory of a state of nature in which men lived, antecedently to their forming themselves into civil society, without government or law. All men in that state were equal, and each was independent and sovereign proprietor of himself. These equal, independent, sovereign individuals met, or are held to have met, in convention, and entered into a compact with themselves, each with all, and all with each, that they would

constitute government, and would each submit to the determination and authority of the whole, practically of the fluctuating and irresponsible majority. Civil society, the state, the government, originates in this compact, and the government, as Mr. Jefferson asserts in the Declaration of American Independence, "derives its just powers from the consent of the governed."

This theory, as so set forth, or as modified by asserting that the individual delegates instead of surrendering his rights to civil society, was generally adopted by the American people in the last century, and is still the more prevalent theory with those among them who happen to have any theory or opinion on the subject. It is the political tradition of the country. The state, as defined by the elder Adams, is held to be a voluntary association of individuals. Individuals create civil society, and may uncreate it whenever they judge it advisable. Prior to the southern rebellion, nearly every American asserted with La Fayette, "the sacred right of insurrection" or revolution, and sympathized with insurrectionists, rebels, and revolutionists, wherever they made their appearance. Loyalty was held to be the correlative of royalty, treason was regarded as a virtue, and traitors were honored, feasted, and eulogized as patriots, ardent lovers of liberty, and champions of the people. The fearful struggle of the nation against a rebellion which threatened its very existence may have changed this.

That there is, or ever was, a state of nature such as the theory assumes, may be questioned. Certainly nothing proves that it is, or ever was, a real state. That there is a law of nature is undeniable. All authorities in philosophy, morals, politics, and jurisprudence assert it; the state assumes it as its own immediate basis, and the codes of all nations are founded on it; universal jurisprudence, the *jus gentium* of the Romans, embodies it, and the courts recognize and administer it. It is the reason and conscience of civil society, and every state acknowledges its authority. But the law of nature is as much in force in civil society as out of it. Civil law does not abrogate or supersede natural law, but presupposes it, and supports itself on it as its own ground and reason. As the natural law, which is only natural justice and equity dictated by the reason common to all men, persists in the civil law, municipal or international, as its informing soul, so does the state of nature persist in the civil state, natural society in civil society, which

simply develops, applies, and protects it. Man in civil society is not out of nature, but is in it—is in his most natural state; for society is natural to him, and government is natural to society, and in some form inseparable from it. The state of nature under the natural law is not, as a separate state, an actual state, and never was; but an abstraction, in which is considered, apart from the concrete existence called society, what is derived immediately from the natural law. But as abstractions have no existence out of the mind that forms them, the state of nature has no actual existence in the world of reality as a separate state.

But suppose with the theory the state of nature to have been a real and separate state, in which men at first lived, there is great difficulty in understanding how they ever got out of it. Can a man divest himself of his nature, or lift himself above it? Man is in his nature, and inseparable from it. If his primitive state was his natural state, and if the political state is supernatural, preternatural, or subnatural, how passed he alone, by his own unaided powers, from the former to the latter? The ancients, who had lost the primitive tradition of creation, asserted, indeed, the primitive man as springing from the earth, and leading a mere animal life, living in caves or hollow trees, and feeding on roots and nuts, without speech, without science, art, law, or sense of right and wrong; but prior to the prevalence of the Epicurean philosophy, they never pretended that man could come out of that state alone by his own unaided efforts. They ascribed the invention of language, art, and science, the institution of civil society, government, and laws, to the intervention of the gods. It remained for the Epicureans—who, though unable, like their modern successors, the positivists or developmentists, to believe in a first cause, believed in effects without causes, or that things make or take care of themselves—to assert that men could, by their own unassisted efforts, or by the simple exercise of reason, come out of the primitive state, and institute what in modern times is called *civiltà*, civility, or civilization.

The partisans of this theory of the state of nature from which men have emerged by the voluntary and deliberate formation of civil society, forget that if government is not the sole condition, it is one of the essential conditions of progress. The only progressive nations are civilized or republican nations. Savage and barbarous tribes are unprogressive. Ages on ages roll over them without changing any

thing in their state; and Niebuhr has well remarked with others, that history records no instance of a savage tribe or people having become civilized by its own spontaneous or indigenous efforts. If savage tribes have ever become civilized, it has been by influences from abroad, by the aid of men already civilized, through conquest, colonies, or missionaries; never by their own indigenous efforts, nor even by commerce, as is so confidently asserted in this mercantile age. Nothing in all history indicates the ability of a savage people to pass of itself from the savage state to the civilized. But the primitive man, as described by Horace in his *Satires*, and asserted by Hobbes, Locke, Rousseau, and others, is far below the savage. The lowest, most degraded, and most debased savage tribe that has yet been discovered has at least some rude outlines or feeble reminiscences of a social state, of government, morals, law, and religion, for even in superstition the most gross there is a reminiscence of true religion; but the people in the alleged state of nature have none.

The advocates of the theory deceive themselves by transporting into their imaginary state of nature the views, habits, and capacities of the civilized man. It is, perhaps, not difficult for men who have been civilized, who have the intelligence, the arts, the affections, and the habits of civilization, if deprived by some great social convulsion of society, and thrown back on the so-called state of nature, or cast away on some uninhabited island in the ocean, and cut off from all intercourse with the rest of mankind, to reconstruct civil society, and reëstablish and maintain civil government. They are civilized men, and bear civil society in their own life. But these are no representatives of the primitive man in the alleged state of nature. These primitive men have no experience, no knowledge, no conception even of civilized life, or of any state superior to that in which they have thus far lived. How then can they, since, on the theory, civil society has no root in nature, but is a purely artificial creation, even conceive of civilization, much less realize it?

These theorists, as theorists always do, fail to make a complete abstraction of the civilized state, and conclude from what they feel they could do in case civil society were broken up, what men may do and have done in a state of nature. Men cannot divest themselves of themselves, and, whatever their efforts to do it, they think, reason, and act

as they are. Every writer, whatever else he writes, writes himself. The advocates of the theory, to have made their abstraction complete, should have presented their primitive man as below the lowest known savage, unprogressive, and in himself incapable of developing any progressive energy. Unprogressive, and, without foreign assistance, incapable of progress, how is it possible for your primitive man to pass, by his own unassisted efforts, from the alleged state of nature to that of civilization, of which he has no conception, and towards which no innate desire, no instinct, no divine inspiration pushes him?

But even if, by some happy inspiration, hardly supposable without supernatural intervention repudiated by the theory—if by some happy inspiration, a rare individual should so far rise above the state of nature as to conceive of civil society and of civil government, how could he carry his conception into execution? Conception is always easier than its realization, and between the design and its execution there is always a weary distance. The poetry of all nations is a wail over unrealized ideals. It is little that even the wisest and most potent statesman can realize of what he conceives to be necessary for the state: political, legislative, or judicial reforms, even when loudly demanded, and favored by authority, are hard to be effected, and not seldom generations come and go without effecting them. The republics of Plato, Sir Thomas More, Campanella, Harrington, as the communities of Robert Owen and M. Cabet, remain Utopias, not solely because intrinsically absurd, though so in fact, but chiefly because they are innovations, have no support in experience, and require for their realization the modes of thought, habits, manners, character, life, which only their introduction and realization can supply. So to be able to execute the design of passing from the supposed state of nature to civilization, the reformer would need the intelligence, the habits, and characters in the public which are not possible without civilization itself. Some philosophers suppose men have invented language, forgetting that it requires language to give the ability to invent language.

Men are little moved by mere reasoning, however clear and convincing it may be. They are moved by their affections, passions, instincts, and habits. Routine is more powerful with them than logic. A few are greedy of novelties, and are always for trying experiments; but the great

body of the people of all nations have an invincible repugnance to abandon what they know for what they know not. They are, to a great extent, the slaves of their own *vis inertiæ*, and will not make the necessary exertion to change their existing mode of life, even for a better. Interest itself is powerless before their indolence, prejudice, habits, and usages. Never were philosophers more ignorant of human nature than they, so numerous in the last century, who imagined that men can be always moved by a sense of interest, and that enlightened self-interest, *l'intérêt bien entendu*, suffices to found and sustain the state. No reform, no change in the constitution of government or of society, whatever the advantages it may promise, can be successful, if introduced, unless it has its root or germ in the past. Man is never a creator; he can only develop and continue, because he is himself a creature, and only a second cause. The children of Israel, when they encountered the privations of the wilderness that lay between them and the promised land flowing with milk and honey, fainted in spirit, and begged Moses to lead them back to Egypt, and permit them to return to slavery.

In the alleged state of nature, as the philosophers describe it, there is no germ of civilization, and the transition to civil society would not be a development, but a complete rupture with the past, and an entire new creation. When it is with the greatest difficulty that necessary reforms are introduced in old and highly civilized nations, and when it can seldom be done at all without terrible political and social convulsions, how can we suppose men without society, and knowing nothing of it, can deliberately, and, as it were, with "malice aforethought," found society? Without government, and destitute alike of habits of obedience and habits of command, how can they initiate, establish, and sustain government? To suppose it, would be to suppose that men in a state of nature, without culture, without science, without any of the arts, even the most simple and necessary, are infinitely superior to the men formed under the most advanced civilization. Was Rousseau right in asserting civilization as a fall, as a deterioration of the race?

But suppose the state of nature, even suppose that men, by some miracle or other, can get out of it and found civil society, the origin of government as authority in compact is not yet established. According to the theory, the rights of civil society are derived from the rights of the individuals

who form or enter into the compact. But individuals cannot give what they have not, and no individual has in himself the right to govern another. By the law of nature all men have equal rights, are equals, and equals have no authority one over another. Nor has an individual the sovereign right even to himself, or the right to dispose of himself as he pleases. Man is not God, independent, self-existing, and self-sufficing. He is dependent, and dependent not only on his Maker, but on his fellow-men, on society, and even on nature, or the material world. That on which he depends, in the measure in which he depends on it, contributes to his existence, to his life, and to his well-being, and has, by virtue of its contribution, a right in him and to him; and hence it is that nothing is more painful to the proud spirit than to receive a favor that lays him under an obligation to another. The right of that on which man depends, and by communion with which he lives, limits his own right over himself.

Man does not depend exclusively on society, for it is not his only medium of communion with God, and therefore its right to him is neither absolute nor unlimited; but still he depends on it, lives in it, and cannot live without it. It has, then, certain rights over him, and he cannot enter into any compact, league, or alliance that society does not authorize, or at least permit. These rights of society override his rights to himself, and he can neither surrender them nor delegate them. Other rights, as the rights of religion and property, which are held directly from God and nature, and which are independent of society, are included in what are called the natural rights of man; and these rights cannot be surrendered in forming civil society, for they are rights of man only before civil society, and therefore not his to cede, and because they are precisely the rights that government is bound to respect and protect. The compact, then, cannot be formed as pretended, for the only rights individuals could delegate or surrender to society to constitute the sum of the rights of government are hers already, and those which are not hers are those which cannot be delegated or surrendered, and in the free and full enjoyment of which, it is the duty, the chief end of government to protect each and every individual.

The convention not only is not a fact, but individuals have no authority without society, to meet in convention, and enter into the alleged compact, because they are not

independent, sovereign individuals. But pass over this: suppose the convention, suppose the compact, it must still be conceded that it binds and can bind only those who voluntarily and deliberately enter into it. This is conceded by Mr. Jefferson and the American congress of 1776, in the assertion that government derives its "just powers from the consent of the governed." This consent, as the matter is one of life and death, must be free, deliberate, formal, explicit, not simply an assumed, implied, or constructive consent. It must be given personally, and not by one for another without his express authority.

It is usual to infer the consent or the acceptance of the terms of the compact from the silence of the individual, and also from his continued residence in the country and submission to its government. But residence is no evidence of consent, because it may be a matter of necessity. The individual may be unable to emigrate, if he would; and by what right can individuals form an agreement to which I must consent or else migrate to some strange land? Can my consent, under such circumstances, even if given, be any thing but a forced consent, a consent given under duress, and therefore invalid? Nothing can be inferred from one's silence, for he may have many reasons for being silent besides approval of the government. He may be silent because speech would avail nothing; because to protest might be dangerous—cost him his liberty, if not his life; because he sees and knows nothing better, and is ignorant that he has any choice in the case; or because, as very likely is the fact with the majority, he has never for a moment thought of the matter, or never had his attention called to it, and has no mind on the subject.

But however this may be, there certainly must be excluded from the compact or obligation to obey the government created by it all the women of a nation, all the children too young to be capable of giving their consent, and all who are too ignorant, too weak of mind to be able to understand the terms of the contract. These several classes cannot be less than three-fourths of the population of any country. What is to be done with them? Leave them without government? Extend the power of the government over them? By what right? Government derives its just powers from the consent of the governed, and that consent they have not given. Whence does one-fourth of the population get its right to govern the other three-fourths?

But what is to be done with the rights of minorities? Is the rule of unanimity to be insisted on in the convention, and in the government, when it goes into operation? Unanimity is impracticable, for where there are many men there will be differences of opinion. The rule of unanimity gives to each individual a veto on the whole proceeding, which was the grand defect of the Polish constitution. Each member of the Polish diet, which included the whole body of the nobility, had an absolute veto, and could, alone, arrest the whole action of the government. Will you substitute the rule of the majority, and say the majority must govern? By what right? It is agreed to in the convention. Unanimously, or only by a majority? The right of the majority to have their will is, on the social compact theory, a conventional right, and therefore cannot come into play before the convention is completed, or the social compact is framed and accepted. How, in settling the terms of the compact, will you proceed? By majorities? But suppose a minority objects, and demands two-thirds, three-fourths, or four-fifths, and votes against the majority rule, which is carried only by a simple plurality of votes, will the proceedings of the convention bind the dissenting minority? What gives to the majority the right to govern the minority who dissent from its action?

On the supposition that society has rights not derived from individuals, and which are intrusted to the government, there is a good reason why the majority should prevail within the legitimate sphere of government, because the majority is the best representative practicable of society itself; and if the constitution secures to minorities and dissenting individuals their natural rights and their equal rights as citizens, they have no just cause of complaint, for the majority in such case has no power to tyrannize over them or to oppress them. But the theory under examination denies that society has any rights except such as it derives from individuals who all have equal rights. According to it, society is itself conventional, and created by free, independent, equal, sovereign individuals. Society is a congress of sovereigns, in which no one has authority over another, and no one can be rightfully forced to submit to any decree against his will. In such a congress the rule of the majority is manifestly improper, illegitimate, and invalid, unless adopted by unanimous consent.

But this is not all. The individual is always the equal of

himself, and if the government derives its powers from the consent of the governed, he governs in the government, and parts with none of his original sovereignty. The government is not his master, but his agent, as the principal only delegates, not surrenders, his rights and powers to the agent. He is free at any time he pleases to recall the powers he has delegated, to give new instructions, or to dismiss him. The sovereignty of the individual survives the compact, and persists through all the acts of his agent, the government. He must, then, be free to withdraw from the compact whenever he judges it advisable. Secession is perfectly legitimate if government is simply a contract between equals. The disaffected, the criminal, the thief the government would send to prison, or the murderer it would hang, would be very likely to revoke his consent, and to secede from the state. Any number of individuals large enough to count a majority among themselves, indisposed to pay the government taxes, or to perform the military service exacted, might hold a convention, adopt a secession ordinance, and declare themselves a free, independent, sovereign state, and bid defiance to the tax-collector and the provost-marshal, and that, too, without forfeiting their estates or changing their domicile. Would the government employ military force to coerce them back to their allegiance? By what right? Government is their agent, their creature, and no man owes allegiance to his own agent, or creature.

The compact could bind only temporarily, and could at any moment be dissolved. Mr. Jefferson saw this, and very consistently maintained that one generation has no power to bind another; and, as if this was not enough, he asserted the right of revolution, and gave it as his opinion that in every nation a revolution once in every generation is desirable, that is, according to his reckoning, once every nineteen years. The doctrine that one generation has no power to bind its successor is not only a logical conclusion from the theory that governments derive their just powers from the consent of the governed, since a generation cannot give its consent before it is born, but is very convenient for a nation that has contracted a large national debt; yet, perhaps, not so convenient to the public creditor, since the new generation may take it into its head not to assume or discharge the obligations of its predecessor, but to repudiate them. No man, certainly, can contract for any one but himself; and how then can the son be bound, without his

own personal or individual consent, freely given, by the obligations entered into by his father?

The social compact is necessarily limited to the individuals who form it, and as necessarily, unless renewed, expires with them. It thus creates no state, no political corporation, which survives in all its rights and powers, though individuals die. The state is on this theory a voluntary association, and in principle, except that it is not a secret society, in no respect differs from the Carbonari, or the Knights of the Golden Circle. When Orsini attempted to execute the sentence of death on the emperor of the French, in obedience to the order of the Carbonari, of which the emperor was a member, he was, if the theory of the origin of government in compact be true, no more an assassin than was the officer who executed on the gallows the rebel spies and incendiaries Beal and Kennedy.

Certain it is that the alleged social compact has in it no social or civil element. It does not and cannot create society. It can give only an aggregation of individuals, and society is not an aggregation nor even an organization of individuals. It is an organism, and individuals live in its life as well as it in theirs. There is a real living solidarity, which makes individuals members of the social body, and members one of another. There is no society without individuals, and there are no individuals without society; but in society there is that which is not individual, and is more than all individuals. The social compact is an attempt to substitute for this real living solidarity, which gives to society at once unity of life and diversity of members, an artificial solidarity, a fictitious unity for a real unity, and membership by contract for real living membership, a cork leg for that which nature herself gives. Real government has its ground in this real living solidarity, and represents the social element, which is not individual, but above all individuals, as man is above men. But the theory substitutes a simple agency for government, and makes each individual its principal. It is an abuse of language to call this agency a government. It has no one feature or element of government. It has only an artificial unity, based on diversity; its authority is only personal, individual, and in no sense a public authority, representing a public will, a public right, or a public interest. In no country could government be adopted and sustained if men were left to the wisdom or justness of their theories, or in the general affairs of life

acted on them. Society, and government as representing society, has a real existence, life, faculties, and organs of its own, not derived or derivable from individuals. As well might it be maintained that the human body consists in and derives all its life from the particles of matter it assimilates from its food, and which are constantly escaping, as to maintain that society derives its life, or government its powers, from individuals. No mechanical aggregation of brute matter can make a living body, if there is no living and assimilating principle within; and no aggregation of individuals, however closely bound together by pacts or oaths, can make society where there is no informing social principle that aggregates and assimilates them to a living body, or produce that mystic existence called a state or commonwealth.

The origin of government in the *contrat social* supposes the nation to be a purely personal affair. It gives the government no territorial status, and clothes it with no territorial rights or jurisdiction. The government that could so originate would be, if any thing, a barbaric, not a republican government. It has only the rights conferred on it, surrendered or delegated to it by individuals, and therefore, at best, only individual rights. Individuals can confer only such rights as they have in the supposed state of nature. In that state there is neither private nor public domain. The earth in that state is not property, and is open to the first occupant, and the occupant can lay no claim to any more than he actually occupies. Whence, then, does government derive its territorial jurisdiction, and its right of eminent domain claimed by all national governments? Whence its title to vacant or unoccupied lands? How does any particular government fix its territorial boundaries, and obtain the right to prescribe who may occupy, and on what conditions, the vacant lands within those boundaries? Whence does it get its jurisdiction of navigable rivers, lakes, bays, and the seaboard within its territorial limits, as appertaining to its domain? Here are rights that it could not have derived from individuals, for individuals never possessed them in the so-called state of nature. The concocters of the theory evidently overlooked these rights, or considered them of no importance. They seem never to have contemplated the existence of territorial states, or the division of mankind into nations fixed to the soil. They seem not to have supposed the earth could be appropriated; and, indeed,

many of their followers pretend that it cannot be, and that the public lands of a nation are open lands, and whoso chooses may occupy them, without leave asked of the national authority or granted. The American people retain more than one reminiscence of the nomadic and predatory habits of their Teutonic or Scythian ancestors before they settled on the banks of the Don or the Danube, on the Northern Ocean, in Scania, or came in contact with the Græco-Roman civilization.

Yet mankind are divided into nations, and all civilized nations are fixed to the soil. The territory is defined, and is the domain of the state, from which all private proprietors hold their title-deeds. Individual proprietors hold under the state, and often hold more than they occupy; but it retains in all private estates the eminent domain, and prohibits the alienation of land to one who is not a citizen. It defends its domain, its public unoccupied lands, and the lands owned by private individuals, against all foreign powers. Now whence, if government has only the rights ceded it by individuals, does it get this domain, and hold the right to treat settlers on even its unoccupied lands as trespassers? In the state of nature the territorial rights of individuals, if any they have, are restricted to the portion of land they occupy with their rude culture, and with their flocks and herds, and in civilized nations to what they hold from the state, and, therefore, the right as held and defended by all nations, and without which the nation has no status, no fixed dwelling, and is and can be no state, could never have been derived from individuals. The earliest notices of Rome show the city in possession of the sacred territory, to which the state and all political power are attached. Whence did Rome become a landholder, and the governing people a territorial people? Whence does any nation become a territorial nation and lord of the domain? Certainly never by the cession of individuals, and hence no civilized government ever did or could originate in the so-called social compact.

### CHAPTER V.—ORIGIN OF GOVERNMENT, CONTINUED.

III. The tendency of the last century was to individualism; that of the present is to socialism. The theory of Hobbes, Locke, Rousseau, and Jefferson, though not formally abandoned, and still held by many, has latterly been much modi-

fied, if not wholly transformed. Sovereignty, it is now maintained, is inherent in the people; not individually, indeed, but collectively, or the people as society. The constitution is held not to be simply a compact or agreement entered into by the people as individuals creating civil society and government, but a law ordained by the sovereign people, prescribing the constitution of the state and defining its rights and powers.

This transformation, which is rather going on than completed, is, under one aspect at least, a progress, or rather a return to the sounder principles of antiquity. Under it government ceases to be a mere agency, which must obtain the assassin's consent to be hung before it can rightfully hang him, and becomes authority, which is one and imperative. The people taken collectively are society, and society is a living organism, not a mere aggregation of individuals. It does not, of course, exist without individuals, but it is something more than individuals, and has rights not derived from them, and which are paramount to theirs. There is more truth, and truth of a higher order, in this than in the theory of the social compact. Individuals, to a certain extent, derive their life from God through society, and so far they depend on her, and they are hers; she owns them, and has the right to do as she will with them. On this theory the state emanates from society, and is supreme. It coincides with the ancient Greek and Roman theory, as expressed by Cicero, already cited, that man is born in society and remains there, and it may be regarded as the source of ancient Greek and Roman patriotism, which still commands the admiration of the civilized world. The state with Greèce and Rome was a living reality, and loyalty a religion. The Romans held Rome to be a divinity, gave her statues and altars, and offered her divine worship. This was superstition, no doubt, but it had in it an element of truth. To every true philosopher there is something divine in the state, and truth in all theories. Society stands nearer to God, and participates more immediately of the divine essence, and the state is a more lively image of God than the individual. It was man, the generic and reproductive man, not the isolated individual, that was created in the image and likeness of his Maker. "And God created man in his own image; in the image of God created he him; male and female created he them."

This theory is usually called the democratic theory, and

it enlists in its support the instincts, the intelligence, the living forces, and active tendencies of the age. Kings, kaisers, and hierarchies are powerless before it, and war against it in vain. The most they can do is to restrain its excesses, or to guard against its abuses. Its advocates, in returning to it, sometimes revive in its name the old pagan superstition. Not a few of the European democrats recognize in the earth, in heaven, or in hell, no power superior to the people, and say not only people-king, but people-god. They say absolutely, without any qualification, the voice of the people is the voice of God, and make their will the supreme law, not only in politics, but in religion, philosophy, morals, science, and the arts. The people not only found the state, but also the church. They inspire or reveal the truth, ordain or prohibit worships, judge of doctrines, and decide cases of conscience. Mazzini said, when at the head of the Roman republic in 1848, the question of religion must be remitted to the judgment of the people. Yet this theory is the dominant theory of the age, and is in all civilized nations advancing with apparently irresistible force.

But this theory has its difficulties. Who are the collective people that have the rights of society, or, who are the sovereign people? The word *people* is vague, and in itself determines nothing. It may include a larger or smaller number; it may mean the political people, or it may mean simply population; it may mean peasants, artisans, shopkeepers, traders, merchants, as distinguished from the nobility; hired laborers or workmen as distinguished from their employer, or slaves as distinguished from their master or owner. In which of these senses is the word to be taken when it is said, "The people are sovereign?" The people are the population or inhabitants of one and the same country. That is something. But who or what determines the country? Is the country the whole territory of the globe? That will not be said, especially since the dispersion of mankind and their division into separate nations. Is the territory indefinite or undefined? Then indefinite or undefined are its inhabitants, or the people invested with the rights of society. Is it defined and its boundaries fixed? Who has done it? The people. But who are the people? We are as wise as we were at starting. The logicians say that the definition of *idem per idem*, or the same by the same, is simply no definition at all.

The people are the nation, undoubtedly, if you mean by

the people the sovereign people. But who are the people constituting the nation? The sovereign people? This is only to revolve in a vicious circle. The nation is the tribe or the people living under the same regimen, and born of the same ancestor, or sprung from the same ancestor or progenitor. But where find a nation in this the primitive sense of the word? Migration, conquest, and intermarriage have so broken up and intermingled the primitive races, that it is more than doubtful if a single nation, tribe, or family of unmixed blood now exists on the face of the earth. A Frenchman, Italian, Spaniard, German, or Englishman may have the blood of a hundred different races coursing in his veins. The nation is the people inhabiting the same country and united under one and the same government, it is further answered. The nation, then, is not purely personal, but also territorial. Then, again, the question comes up, who or what determines the territory? The government? But not before it is constituted, and it cannot be constituted till its territorial limits are determined. The tribe doubtless occupies territory, but is not fixed to it, and derives no jurisdiction from it, and therefore is not territorial. But a nation, in the modern or civilized sense, is fixed to the territory, and derives from it its jurisdiction, or sovereignty; and, therefore, till the territory is determined, the nation is not and cannot be determined.

The question is not an idle question. It is one of great practical importance; for, till it is settled, we can neither determine who are the sovereign people, nor who are united under one and the same government. Laws have no extra-territorial force, and the officer who should attempt to enforce the national laws beyond the national territory would be a trespasser. If the limits are undetermined the government is not territorial, and can claim as within its jurisdiction only those who choose to acknowledge its authority. The importance of the question has been recently brought home to the American people by the secession of eleven or more states from the Union. Were these states a part of the American nation, or were they not? Was the war which followed secession, and which cost so many lives and so much treasure, a civil war or a foreign war? Were the secessionists traitors and rebels to their sovereign, or were they patriots fighting for the liberty and independence of their country and the right of self-government? All on both sides agreed that the nation is sovereign; the dispute

was as to the existence of the nation itself, and the extent of its jurisdiction. Doubtless, when a nation has a generally recognized existence as an historical fact, most of the difficulties in determining who are the sovereign people can be got over; but the question here concerns the institution of government, and determining who constitute society and have the right to meet in person, or by their delegates in convention, to institute it. This question, so important, and at times so difficult, the theory of the origin of government in the people collectively, or the nation, does not solve, or furnish any means of solving.

But suppose this difficulty surmounted, there is still another, and a very grave one, to overcome. The theory assumes that the people collectively, "in their own native right and might," are sovereign. According to it the people are ultimate, and free to do whatever they please. This sacrifices individual freedom. The origin of government in a compact entered into by individuals, each with all and all with each, sacrificed the rights of society, and assumed each individual to be in himself an independent sovereignty. If logically carried out, there could be no such crime as treason, there could be no state, and no public authority. This new theory transfers to society the sovereignty which that asserted for the individual, and asserts social despotism, or the absolutism of the state. It asserts with sufficient energy public authority, or the right of the people to govern; but it leaves no space for individual rights, which society must recognize, respect, and protect. This was the grand defect of the ancient Græco-Roman civilization. The historian explores in vain the records of the old Greek and Roman republics for any recognition of the rights of individuals not held as privileges or concessions from the state. Society recognized no limit to her authority, and the state claimed over individuals all the authority of the patriarch over his household, the chief over his tribe, or the absolute monarch over his subjects. The direct and indirect influence of the body of freemen admitted to a voice in public affairs, in determining the resolutions and action of the state, no doubt tempered in practice to some extent the authority of the state, and prevented acts of gross oppression; but in theory the state was absolute, and the people individually were placed at the mercy of the people collectively, or, rather, the majority of the collective people.

Under ancient republicanism, there were rights of the state and rights of the citizen, but no rights of man, held independently of society, and not derived from God through the state. The recognition of these rights by modern society is due to Christianity: some say to the barbarians, who overthrew the Roman empire; but this last opinion is not well founded. The barbarian chiefs and nobles had no doubt a lively sense of personal freedom and independence, but for themselves only. They had no conception of personal freedom as a general or universal right, and men never obtain universal principles by generalizing particulars. They may give a general truth a particular application, but not a particular truth—understood to be a particular truth—a general or universal application. They are too good logicians for that. The barbarian individual freedom and personal independence was never generalized into the doctrine of the rights of man, any more than the freedom of the master has been generalized into the right of his slaves to be free. The doctrine of individual freedom before the state is due to the Christian religion, which asserts the dignity and worth of every human soul, the accountability to God of each man for himself, and lays it down as law for every one that God is to be obeyed rather than men. The church practically denied the absolutism of the state, and asserted for every man rights not held from the state, in converting the empire to Christianity, in defiance of the state authority and the imperial edicts punishing with death the profession of the Christian faith. In this she practically, as well as theoretically, overthrew state absolutism, and infused into modern society the doctrine that every individual, even the lowest and meanest, has rights which the state neither confers nor can abrogate; and it will only be by extinguishing in modern society the Christian faith, and obliterating all traces of Christian civilization, that state absolutism can be revived with more than a partial and temporary success.

The doctrine of individual liberty may be abused, and so explained as to deny the rights of society, and to become pure individualism; but no political system that runs to the opposite extreme, and absorbs the individual in the state, stands the least chance of any general or permanent success till Christianity is extinguished. Yet the assertion of principles which logically imply state absolutism is not entirely harmless, even in Christian countries. Error is never harmless, and only truth can give a solid foundation on

which to build. Individualism and socialism are each opposed to the other, and each has only a partial truth. The state founded on either cannot stand, and society will only alternate between the two extremes. To-day it is torn by a revolution in favor of socialism; to-morrow it will be torn by another in favor of individualism, and without effecting any real progress by either revolution. Real progress can be secured only by recognizing and building on the truth, not as it exists in our opinions or in our theories, but as it exists in the world of reality, and independent of our opinions.

Now, social despotism or state absolutism is not based on truth or reality. Society has certain rights over individuals, for she is a medium of their communion with God, or through which they derive life from God, the primal source of all life; but she is not the only medium of man's life. Man, as was said in the beginning, lives by communion with God, and he communes with God in the creative act and the Incarnation, through his kind, and through nature. This threefold communion gives rise to three institutions—religion or the church, society or the state, and property. The life that man derives from God through religion and property, is not derived from him through society, and consequently so much of his life he holds independently of society; and this constitutes his rights as a man as distinguished from his rights as a citizen. In relation to society, as not held from God through her, these are termed his natural rights, which she must hold inviolable, and government protect for every one, whatever his complexion or his social position. These rights—the rights of conscience and the rights of property, with all their necessary implications—are limitations of the rights of society, and the individual has the right to plead them against the state. Society does not confer them, and it cannot take them away, for they are at least as sacred and as fundamental as her own.

But even this limitation of popular sovereignty is not all. The people can be sovereign only in the sense in which they exist and act. The people are not God, whatever some theorists may pretend—are not independent, self-existent, and self-sufficing. They are as dependent collectively as individually, and therefore can exist and act only as second cause, never as first cause. They can, then, even in the limited sphere of their sovereignty, be sovereign only in a secondary sense, never absolute sovereign in their own

independent right. They are sovereign only to the extent to which they impart life to the individual members of society, and only in the sense in which she imparts it, or is its cause. She is not its first cause or creator, and is the medial cause or medium through which they derive it from God, not its efficient cause or primary source. Society derives her own life from God, and exists and acts only as dependent on him. Then she is sovereign over individuals only as dependent on God. Her dominion is then not original and absolute, but secondary and derivative.

This third theory does not err in assuming that the people collectively are more than the people individually, or in denying society to be a mere aggregation of individuals with no life, and no rights but what it derives from them; nor even in asserting that the people in the sense of society are sovereign, but in asserting that they are sovereign in their own native or underived right and might. Society has not in herself the absolute right to govern, because she has not the absolute dominion either of herself or her members. God gave to man dominion over the irrational creation, for he made irrational creatures for man; but he never gave him either individually or collectively the dominion over the rational creation. The theory that the people are absolutely sovereign in their own independent right and might, as some zealous democrats explain it, asserts the fundamental principle of despotism, and all despotism is false, for it identifies the creature with the Creator. No creature is creator, or has the rights of creator, and consequently no one in his own right is or can be sovereign. This third theory, therefore, is untenable.

IV. A still more recent class of philosophers, if philosophers they may be called, reject the origin of government in the people individually or collectively. Satisfied that it has never been instituted by a voluntary and deliberate act of the people, and confounding government as a fact with government as authority, they maintain that government is a spontaneous development of nature. Nature develops it as the liver secretes bile, as the bee constructs her cell, or the beaver builds his dam. Nature, working by her own laws and inherent energy, develops society, and society develops government. That is all the secret. Questions as to the origin of government or its rights, beyond the simple positive fact, belong to the theological or metaphysical stage of the development of nature, but are left behind when the

race has passed beyond that stage, and has reached the epoch of positive science, in which all, except the positive fact, is held to be unreal and non-existent. Government, like every thing else in the universe, is simply a positive development of nature. Science explains the laws and conditions of the development, but disdains to ask for its origin or ground in any order that transcends the changes of the world of space and time.

These philosophers profess to eschew all theory, and yet they only oppose theory to theory. The assertion that reality for the human mind is restricted to the positive facts of the sensible order, is purely theoretic, and is any thing but a positive fact. Principles are as really objects of science as facts, and it is only in the light of principles that facts themselves are intelligible. If the human mind had no science of reality that transcends the sensible order, or the positive fact, it could have no science at all. As things exist only in their principles or causes, so can they be known only in their principles and causes; for things can be known only as they are, or as they really exist. The science that pretends to deduce principles from particular facts, or to rise from the fact by way of reasoning to an order that transcends facts, and in which facts have their origin, is undoubtedly chimerical, and as against that the positivists are unquestionably right. But to maintain that man has no intelligence of any thing beyond the fact, no intuition or intellectual apprehension of its principle or cause, is equally chimerical. The human mind cannot have all science, but it has real science as far as it goes, and real science is the knowledge of things as they are, not as they are not. Sensible facts are not intelligible by themselves, because they do not exist by themselves; and if the human mind could not penetrate beyond the individual fact, beyond the mimetic to the methexic, or transcendental principle, copied or imitated by the individual fact, it could never know the fact itself. The error of modern philosophers, or philosopherlings, is in supposing the principle is deduced or inferred from the fact, and in denying that the human mind has direct and immediate intuition of it.

Something that transcends the sensible order there must be, or there could be no development; and if we had no science of it, we could never assert that development is development, or scientifically explain the laws and conditions of development. Development is explication, and supposes

a germ which precedes it, and is not itself a development; and development, however far it may be carried, can never do more than realize the possibilities of the germ. Development is not creation, and cannot supply its own germ. That at least must be given by the Creator, for from nothing nothing can be developed. If authority has not its germ in nature, it cannot be developed from nature spontaneously or otherwise. All government has a governing will; and without a will that commands, there is no government; and nature has in her spontaneous developments no will, for she has no personality. Reason itself, as distinguished from will, only presents the end and the means, but does not govern; it prescribes a rule, but cannot ordain a law. An imperative will, the will of a superior who has the right to command what reason dictates or approves, is essential to government; and that will is not developed from nature, because it has no germ in nature. So something above and beyond nature must be asserted, or government itself cannot be asserted, even as a development. Nature is no more self-sufficing than are the people, or than is the individual man.

No doubt there is a natural law, which is a law in the proper sense of the word law; but this is a positive law under which nature is placed by a sovereign above herself, and is never to be confounded with those laws of nature so called, according to which she is productive as second cause, or produces her effects, which are not properly laws at all. Fire burns, water flows, rain falls, birds fly, fishes swim, food nourishes, poisons kill, one substance has a chemical affinity for another, the needle points to the pole, by a natural law, it is said; that is, the effects are produced by an inherent and uniform natural force. Laws in this sense are simply physical forces, and are nature herself. The natural law, in an ethical sense, is not a physical law, is not a natural force, but a law imposed by the Creator on all moral creatures, that is, all creatures endowed with reason and free-will, and is called *natural* because promulgated in natural reason, or the reason common and essential to all moral creatures. This is the moral law. It is what the French call *le droit naturel*, natural right, and, as the theologians teach us, is the transcript of the eternal law, the eternal will or reason of God. It is the foundation of all law, and all acts of a state that contravene it are, as St. Augustine maintains, violences rather than laws. The moral law is no develop-

ment of nature, for it is above nature, and is imposed on nature. The only development there is about it is in our understanding of it.

There is, of course, development in nature, for nature considered as creation has been created in germ, and is completed only in successive developments. Hence the origin of space and time. There would have been no space if there had been no external creation, and no time if the creation had been completed externally at once, as it was in relation to the Creator. Ideal space is simply the ability of God to externize his creative act, and actual space is the relation of coexistence in the things created; ideal time is the ability of God to create existences with the capacity of being completed by successive developments, and actual time is the relation of these in the order of succession, and when the existence is completed or consummated development ceases, and time is no more. In relation to himself the Creator's works are complete from the first, and hence with him there is no time, for there is no succession. But in relation to itself creation is incomplete, and there is room for development, which may be continued till the whole possibility of creation is actualized. Here is the foundation of what is true in the modern doctrine of progress. Man is progressive, because the possibilities of his nature are successively unfolded and actualized.

Development is a fact, and its laws and conditions may be scientifically ascertained and defined. All generation is development, as is all growth, physical, moral, or intellectual. But every thing is developed in its own order, and after its kind. The Darwinian theory of the development of species is not sustained by science. The development starts from the germ, and in the germ is given the law or principle of the development. From the acorn is developed the oak, never the pine or the linden. Every kind generates its kind, never another. But no development is, strictly speaking, spontaneous, or the result alone of the inherent energy or force of the germ developed. There is not only a solidarity of race, but in some sense of all races, or species; all created things are bound to their Creator, and to one another. One and the same law or principle of life pervades all creation, binding the universe together in a unity that copies or imitates the unity of the Creator. No creature is isolated from the rest, or absolutely independent of others. All are parts of one stupendous whole, and each

depends on the whole, and the whole on each, and each on each. All creatures are members of one body, and members one of another. The germ of the oak is in the acorn, but the acorn left to itself alone can never grow into the oak, any more than a body at rest can place itself in motion. Lay the acorn away in your closet, where it is absolutely deprived of air, heat, and moisture, and in vain will you watch for its germination. Germinate it cannot without some external influence, or communion, so to speak, with the elements from which it derives its sustenance and support.

There can be no absolutely spontaneous development. All things are doubtless active, for nothing exists except in so far as it is an active force of some sort; but only God himself alone suffices for his own activity. All created things are dependent, have not their being in themselves, and are real only as they participate, through the creative act, of the divine being. The germ can no more be developed than it could exist without God, and no more develop itself than it could create itself. What is called the law of development is in the germ; but that law or force can operate only in conjunction with another force or other forces. All development, as all growth, is by accretion or assimilation. The assimilating force is, if you will, in the germ, but the matter assimilated comes and must come from abroad. Every herdsman knows it, and knows that to rear his stock he must supply them with appropriate food; every husbandman knows it, and knows that to raise a crop of corn, he must plant the seed in a soil duly prepared, and which will supply the gases needed for its germination, growth, flowering, bolling, and ripening. In all created things, in all things not complete in themselves, in all save God,—in whom there is no development possible, for he is, as say the schoolmen, most pure act, in whom there is no unactualized possibility,—the same law holds good. Development is always the resultant of two factors, the one the thing itself, the other some external force cooperating with it, exciting it, and aiding it to act. Hence the *præmotio physica* of the Thomists, and the *prevenient* and *adjuvant* grace of the theologians, without which no one can begin the Christian life, and which must needs be supernatural when the end is supernatural. The principle of life in all orders is the same, and human activity no more suffices for itself in one order than in another.

Here is the reason why the savage tribe never rises to a civilized state without communion in some form with a people already civilized, and why there is no moral or intellectual development and progress without education and instruction, consequently without instructors and educators. Hence the value of tradition; and hence, as the first man could not instruct himself, Christian theologians, with a deeper philosophy than is dreamed of by the sciolists of the age, maintain that God himself was man's first teacher, or that he created Adam a full-grown man, with all his faculties developed, complete, and in full activity. Hence, too, the heathen mythologies, which always contain some elements of truth, however they may distort, mutilate, or travesty them, make the gods the first teachers of the human race, and ascribe to their instruction even the most simple and ordinary arts of every-day life. The gods teach men to plough, to plant, to reap, to work in iron, to erect a shelter from the storm, and to build a fire to warm them and to cook their food. The common sense, as well as the common traditions of mankind, refuses to accept the doctrine that men are developed without foreign aid, or progressive without divine assistance. Nature of herself can no more develop government than it can language. There can be no language without society, and no society without language. There can be no government without society, and no society without government of some sort.

But even if nature could spontaneously develop herself, she could never develop an institution that has the right to govern, for she has not herself that right. Nature is not God, has not created us, therefore has not the right of property in us. She is not and cannot be our sovereign. We belong not to her, nor does she belong to herself, for she is herself creature, and belongs to her Creator. Not being in herself sovereign, she cannot develop the right to govern, nor can she develop government as a fact, to say nothing of its right, for government, whether we speak of it as fact or as authority, is distinct from that which is governed; but natural developments are nature, and indistinguishable from her. The governor and the governed, the restrainer and the restrained, can never as such be identical. Self-government, taken strictly, is a contradiction in terms. When an individual is said to govern himself, he is never understood to govern himself in the sense in which he is governed. He by his reason and will governs or restrains his appetites

and passions. It is man as spirit governing man as flesh, the spiritual mind governing the carnal mind.

Natural developments cannot in all cases be even allowed to take their own course without injury to nature herself. "Follow nature" is an unsafe maxim, if it means, leave nature to develop herself as she will, and follow thy natural inclinations. Nature is good, but inclinations are frequently bad. All our appetites and passions are given us for good, for a purpose useful and necessary to individual and social life, but they become morbid and injurious if indulged without restraint. Each has its special object, and naturally seeks it exclusively, and thus generates discord and war in the individual, which immediately find expression in society, and also in the state, if the state be a simple natural development. The Christian maxim, Deny thyself, is far better than the Epicurean maxim, Enjoy thyself, for there is no real enjoyment without self-denial. There is deep philosophy in Christian asceticism, as the positivists themselves are aware, and even insist. But Christian asceticism aims not to destroy nature, as voluptuaries pretend, but to regulate, direct, and restrain its abnormal developments for its own good. It forces nature in her developments to submit to a law which is not in her, but above her. The positivists pretend that this asceticism is itself a natural development, but that cannot be a natural development which directs, controls, and restrains natural development.

The positivists confound nature at one time with the law of nature, and at another the law of nature with nature herself, and take what is called the natural law to be a natural development. Here is their mistake, as it is the mistake of all who accept naturalistic theories. Society, no doubt, is authorized by the law of nature to institute and maintain government. But the law of nature is not a natural development, nor is it in nature, or any part of nature. It is not a natural force which operates in nature, and which is the developing principle of nature. Do they say reason is natural, and the law of nature is only reason? This is not precisely the fact. The natural law is law proper, and is reason only in the sense that reason includes both intellect and will, and nobody can pretend that nature in her spontaneous developments acts from intelligence and volition. Reason, as the faculty of knowing, is subjective and natural; but in the sense in which it is coincident with the natural law, it is neither subjective nor natural, but objective and

divine, and is God affirming himself and promulgating his law to his creature, man. It is, at least, an immediate participation of the divine light, by which he reveals himself and his will to the human understanding, and is not natural, but supernatural, in the sense that God himself is supernatural. This is wherefore reason is law, and every man is bound to submit or conform to reason.

That legitimate governments are instituted under the natural law is frankly conceded, but this is by no means the concession of government as a natural development. The reason and will of which the natural law is the expression are the reason and will of God. The natural law is the divine law as much as the revealed law itself, and equally obligatory. It is not a natural force developing itself in nature, like the law of generation, for instance, and therefore proceeding from God as first cause, but it proceeds from God as final cause, and is, therefore, theological, and strictly a moral law, founding moral rights and duties. Of course, all morality and all legitimate government rest on this law, or, if you will, originate in it. But not therefore in nature, but in the Author of nature. The authority is not the authority of nature, but of him who holds nature in the hollow of his hand.

V. In the seventeenth century a class of political writers who very well understood that no creature, no man, no number of men, not even nature herself, can be inherently sovereign, defended the opinion that governments are founded, constituted, and clothed with their authority by the direct and express appointment of God himself. They denied that rulers hold their power from the nation; that, however oppressive may be their rule, they are justiciable by any human tribunal, or that power, except by the direct judgment of God, is amissible. Their doctrine is known in history as the doctrine of "the divine right of kings, and passive obedience." All power, says St. Paul, is from God, and the powers that be are ordained of God, and to resist them is to resist the ordination of God. They must be obeyed for conscience' sake.

It would, perhaps, be rash to say that this doctrine had never been broached before the seventeenth century, but it received in that century, and chiefly in England, its fullest and most systematic developments. It was patronized by the Anglican divines, asserted by James I. of England, and lost the Stuarts the crown of three kingdoms. It crossed

the Channel, into France, where it found a few hesitating and stammering defenders among Catholics, under Louis XIV., but it has never been very generally held, though it has had able and zealous supporters. In England it was opposed by all the Presbyterians, Puritans, Independents, and Republicans, and was forgotten or abandoned by the Anglican divines themselves in the revolution of 1688, that expelled James II. and crowned William and Mary. It was ably refuted by the Jesuit Suarez in his reply to a *Remonstrance for the Divine Right of Kings* by James I.; and a Spanish monk who had asserted it in Madrid, under Philip II., was compelled by the Inquisition to retract it publicly in the place where he had asserted it. All republicans reject it, and the church has never sanctioned it. The sovereign pontiffs have claimed and exercised the right to deprive princes of their principality, and to absolve their subjects from the oath of fidelity. Whether the popes rightly claimed and exercised that power is not now the question; but their having claimed and exercised it proves that the church does not admit the inamissibility of power and passive obedience; for the action of the pope was judicial, not legislative. The pope has never claimed the right to depose a prince till by his own act he has, under the moral law or the constitution of his state, forfeited his power, nor to absolve subjects from their allegiance till their oath, according to its true intent and meaning, has ceased to bind. If the church has always asserted with the apostle there is no power but from God—*non est potestas nisi a Deo*—she has always through her doctors maintained that it is a trust to be exercised for the public good, and is forfeited when persistently exercised in a contrary sense. St. Augustine, St. Thomas, and Suarez all maintain that unjust laws are violences rather than laws, and do not oblige, except in charity or prudence, and that the republic may change its magistrates, and even its constitution, if it sees proper to do so.

That God, as universal creator, is sovereign lord and proprietor of all created things or existences, visible or invisible, is certain; for the maker has the absolute right to the thing made; it is his, and he may do with it as he will. As he is sole creator, he alone hath dominion; and as he is absolute creator, he has absolute dominion over all the things which he has made. The guaranty against oppression is his own essential nature, is in the plenitude of his own

being, which is the plenitude of wisdom and goodness. He cannot contradict himself, be other than he is, or act otherwise than according to his own essential nature. As he is, in his own eternal and immutable essence, supreme reason and supreme good, his dominion must always in its exercise be supremely good and supremely reasonable, therefore supremely just and equitable. From him certainly is all power; he is unquestionably King of kings, and Lord of lords. By him kings reign and magistrates decree just things. He may, at his will, set up or pull down kings, rear or overwhelm empires, foster the infant colony, and make desolate the populous city. All this is unquestionably true, and a simple dictate of reason common to all men. But in what sense is it true? Is it true in a supernatural sense? Or is it true only in the sense that it is true that by him we breathe, perform any or all of our natural functions, and in him live, and move, and have our being?

Viewed in their first cause, all things are the immediate creation of God, and are supernatural, and from the point of view of the first cause the Scriptures usually speak, for the great purpose and paramount object of the sacred writers, as of religion itself, is to make prominent the fact that God is universal creator, and supreme governor, and therefore the first and final cause of all things. But God creates second causes, or substantial existences, capable themselves of acting and producing effects in a secondary sense, and hence he is said to be *causa causarum*, cause of causes. What is done by these second causes or creatures is done eminently by him, for they exist only by his creative act, and produce only by virtue of his active presence, or effective concurrence. What he does through them or through their agency is done by him, not immediately, but mediately, and is said to be done naturally, as what he does immediately is said to be done supernaturally. Natural is what God does through second causes, which he creates; supernatural is that which he does by himself alone, without their intervention or agency. Sovereignty, or the right to govern, is in him, and he may at his will delegate it to men either mediately or immediately, by a direct and express appointment, or mediately through nature. In the absence of all facts proving its delegation direct and express, it must be assumed to be mediate, through second causes. The natural is always to be presumed, and the supernatural is to be admitted only on conclusive proof.

The people of Israel had a supernatural vocation, and they received their law, embracing their religious and civil constitution and their ritual directly from God at the hand of Moses, and various individuals from time to time appear to have been specially called to be their judges, rulers, or kings. Saul was so called, and so was David. David and his line appear, also, to have been called not only to supplant Saul and his line, but to have been supernaturally invested with the kingdom for ever; but it does not appear that the royal power with which David and his line were invested was inamissible. They lost it in the Babylonish captivity, and never afterwards recovered it. The Asmonean princes were of another line, and when our Lord came the sceptre was in the hands of Herod, an Idumean or Edomite. The promise made to David and his house is generally held by Christian commentators to have received its fulfilment in the everlasting spiritual royalty of the Messiah, sprung through Mary from David's line.

The Christian church is supernaturally constituted and supernaturally governed, but the persons selected to exercise powers supernaturally defined, from the sovereign pontiff down to the humblest parish priest are selected and inducted into office through human agency. The gentiles very generally claimed to have received their laws from the gods, but it does not appear, save in exceptional cases, that they claimed that their princes were designated and held their powers by the direct and express appointment of the god. Save in the case of the Jews, and that of the church, there is no evidence that any particular government exists or ever has existed by direct or express appointment, or otherwise than by the action of the Creator through second causes, or what is called his ordinary providence. Except David and his line, there is no evidence of the express grant by the divine Sovereign to any individual or family, class or caste, of the government of any nation or country. Even those Christian princes who professed to reign "by the grace of God," never claimed that they received their principalities from God otherwise than through his ordinary providence, and meant by it little more than an acknowledgment of their dependence on him, their obligation to use their power according to his law, and their accountability to him for the use they make of it.

The doctrine is not favorable to human liberty, for it recognizes no rights of man in face of civil society. It con-

secrates tyranny, and makes God the accomplice of the tyrant, if we suppose all governments have actually existed by his express appointment. It puts the king in the place of God, and requires us to worship in him the immediate representative of the divine being. Power is irresponsible and inamissible, and however it may be abused, or however corrupt and oppressive may be its exercise, there is no human redress. Resistance to power is resistance to God. There is nothing for the people but passive obedience and unreserved submission. The doctrine, in fact, denies all *human* government, and allows the people no voice in the management of their own affairs, and gives no place for human activity. It stands opposed to all republicanism, and makes power an hereditary and indefeasible right, not a trust which he who holds it may forfeit, and of which he may be deprived if he abuses it.

### CHAPTER VI.—ORIGIN OF GOVERNMENT, CONCLUDED.

VI. The theory which derives the right of government from the direct and expressed appointment of God is sometimes modified so as to mean that civil authority is derived from God through the spiritual authority. The patriarch combined in his person both authorities, and was in his own household both priest and king, and so originally was in his own tribe the chief, and in his kingdom the king. When the two offices became separated is not known. In the time of Abraham they were still united. Melchisedech, king of Salem, was both priest and king, and the earliest historical records of kings present them as offering sacrifices. Even the Roman emperor was pontifex maximus as well as imperator, but that was so not because the two offices were held to be inseparable, but because they were both conferred on the same person by the republic. In Egypt, in the time of Moses, the royal authority and the priestly were separated, and held by different persons. Moses, in his legislation for his nation, separated them, and instituted a sacerdotal order or caste. The heads of tribes and the heads of families are, under his law, princes, but not priests, and the priesthood is conferred on and restricted to his own tribe of Levi, and more especially the family of his own brother Aaron.

The priestly office by its own nature is superior to the kingly, and in all primitive nations with a separate organized priesthood, whether a true priesthood or a corrupt, the

priest is held to be above the king, elects or establishes the law by which is selected the temporal chief, and inducts him into his office, as if he received his authority from God through the priesthood. The Christian priesthood is not a caste, and is transmitted by the election of grace, not as with the Israelites and all sacerdotal nations, by natural generation. Like Him whose priests they are, Christian priests are priests after the order of Melchisedech, who was without priestly descent, without father or mother of the priestly line. But in being priests after the order of Melchisedech, they are both priests and kings, as Melchisedech was, and as was our Lord himself, to whom was given by his Father all power in heaven and in earth. The pope, or supreme pontiff, is the vicar of our Lord on earth, his representative—the representative not only of him who is our invisible High-Priest, but of him who is King of kings and Lord of lords, therefore of both the priestly and the kingly power. Consequently, no one can have any mission to govern in the state any more than in the church, unless derived from God directly or indirectly through the pope, or supreme pontiff. Many theologians and canonists in the middle ages so held, and a few perhaps hold so still. The bulls and briefs of several popes, as Gregory VII., Innocent III., Gregory IX., Innocent IV., and Boniface VIII., have the appearance of favoring it.

At one period the greater part of the mediæval kingdoms and principalities were fiefs of the Holy See, and recognized the Holy Father as their suzerain. The pope revived the imperial dignity in the person of Charlemagne, and none could claim that dignity in the western world unless elected and crowned by him, that is, unless elected directly by the pope or by electors designated by him, and acting under his authority. There can be no question that the spiritual is superior to the temporal, and that the temporal is bound in the very nature of things to conform to the spiritual, and any law enacted by the civil power in contravention of the law of God is null and void from the beginning. This is what Mr. Seward meant by the higher law, a law higher even than the constitution of the United States. Supposing this higher law, and supposing that kings and princes hold from God through the spiritual society, it is very evident that the chief of that society would have the right to deprive them, and to absolve their subjects, as on several occasions he actually has done.

But this theory has never been a dogma of the church, nor, to any great extent, except for a brief period, maintained by theologians or canonists. The pope conferred the imperial dignity on Charlemagne and his successors, but not the civil power, at least out of the pope's own temporal dominions. The emperor of Germany was at first elected by the pope, and afterwards by hereditary electors designated or accepted by him, but the king of the Germans with the full royal authority could be elected and enthroned without the papal intervention or permission. The suzerainty of the Holy See over Italy, Naples, Aragon, Muscovy, England, and other European states, was by virtue of feudal relations, not by virtue of the spiritual authority of the Holy See or the vicarship of the Holy Father. The right to govern under feudalism was simply an estate, or property; and as the church could acquire and hold property, nothing prevented her holding fiefs, or her chief from being suzerain. The expression in the papal briefs and bulls, taken in connection with the special relations existing between the pope and emperor in the middle ages, and his relations with other states as their feudal sovereign, explained by the controversies concerning rights growing out of these relations, will be found to give no countenance to the theory in question.

These relations really existed, and they gave the pope certain temporal rights in certain states, even the temporal supremacy, as he has still in what is left him of the states of the church; but they were exceptional or accidental relations, not the universal and essential relations between the church and the state. The rights that grew out of these relations were real rights, sacred and inviolable, but only where and while the relations subsisted. They, for the most part, grew out of the feudal system introduced into the Roman empire by its barbarian conquerors, and necessarily ceased with the political order in which they originated. Undoubtedly the church consecrated civil rulers, but this did not imply that they received their power or right to govern from God through her; but implied that their persons were sacred, and that violence to them would be sacrilege; that they held the Christian faith, and acknowledged themselves bound to protect it, and to govern their subjects justly, according to the law of God.

The church, moreover, has always recognized the distinction of the two powers, and although the pope owes to

the fact that he is chief of the spiritual society, his temporal principality, no theologian or canonist of the slightest respectability would argue that he derives his rights as temporal sovereign from his rights as pontiff. His rights as pontiff depend on the express appointment of God; his rights as temporal prince are derived from the same source from which other princes derive their rights, and are held by the same tenure. Hence canonists have maintained that the subjects of other states may even engage in war with the pope as prince, without breach of their fidelity to him as pontiff or supreme visible head of the church.

The church not only distinguishes between the two powers, but recognizes as legitimate, governments that manifestly do not derive from God through her. St. Paul enjoins obedience to the Roman emperors for conscience' sake, and the church teaches that infidels and heretics may have legitimate government; and if she has ever denied the right of any infidel or heretical prince, it has been on the ground that the constitution and laws of his principality require him to profess and protect the Catholic faith. She tolerates resistance in a non-Catholic state no more than in a Catholic state to the prince; and if she has not condemned and cut off from her communion the Catholics who in our struggle have joined the secessionists and fought in their ranks against the United States, it is because the prevalence of the doctrine of state sovereignty has seemed to leave a reasonable doubt whether they were really rebels fighting against their legitimate sovereign or not.

No doubt, as the authority of the church is derived immediately from God in a supernatural manner, and as she holds that the state derives its authority only mediately from him, in a natural mode, she asserts the superiority of her authority, and that, in case of conflict between the two powers, the civil must yield. But this is only saying that supernatural is above natural. But—and this is the important point—she does not teach, nor permit the faithful to hold, that the supernatural abrogates the natural, or in any way supersedes it. Grace, say the theologians, supposes nature, *gratia supponit naturam*. The church in the matter of government accepts the natural, aids it, elevates it, and is its firmest support.

VII. St. Augustine, St. Gregory Magnus, St. Thomas, Bellarmine, Suarez, and the theologians generally, hold that princes derive their power from God through the people,

or that the people, though not the source, are the medium of all political authority, and therefore rulers are accountable for the use they make of their power to both God and the people.

This doctrine agrees with the democratic theory in vesting sovereignty in the people, instead of the king or the nobility, a particular individual, family, class, or caste; and differs from it, as democracy is commonly explained, in understanding by the people, the people collectively, not individually—the organic people, or people fixed to a given territory, not the people as a mere population—the people in the republican sense of the word nation, not in the barbaric or despotic sense; and in deriving the sovereignty from God, from whom is all power, and except from whom there is and can be no power, instead of asserting it as the underived and indefeasible right of the people in their "own native right and might." The people not being God, and being only what philosophers call a second cause, they are and can be sovereign only in a secondary and relative sense. It asserts the divine origin of power, while democracy asserts its human origin. But as, under the law of nature, all men are equal, or have equal rights as men, one man has and can have in himself no right to govern another; and as man is never absolutely his own, but always and everywhere belongs to his Creator, it is clear that no government originating in humanity alone can be a legitimate government. Every such government is founded on the assumption that man is God, which is a great mistake—is, in fact, the fundamental sophism which underlies every error and every sin.

The divine origin of government, in the sense asserted by Christian theologians, is never found distinctly set forth in the political writings of the ancient Greek and Roman writers. Gentile philosophy had lost the tradition of creation, as some modern philosophers, in so-called Christian nations, are fast losing it, and were as unable to explain the origin of government as they were the origin of man himself. Even Plato, the profoundest of all ancient philosophers, and the most faithful to the traditionary wisdom of the race, lacks the conception of creation, and never gets above that of generation and formation. Things are produced by the divine being impressing his own ideas, eternal in his own mind, on a preëxisting matter, as a seal on wax. Aristotle teaches substantially the same doctrine. Things

eternally exist as matter and form, and all the divine Intelligence does, is to unite the form to the matter, and change it, as the schoolmen say, from *materia informis* to *materia formata*. Even the Christian Platonists and peripatetics never as philosophers assert creation; they assert it, indeed, but as theologians, as a fact of revelation, not as a fact of science; and hence it is that their theology and their philosophy never thoroughly harmonize, or at least are not shown to harmonize throughout.

Speaking generally, the ancient gentile philosophers were pantheists, and represented the universe either as God or as an emanation from God. They had no proper conception of providence, or the action of God in nature through natural agencies, or as modern physicists say, natural laws. If they recognized the action of divinity at all, it was a supernatural or miraculous intervention of some god. They saw no divine intervention in any thing naturally explicable, or explicable by natural laws. Having no conception of the creative act, they could have none of its immanence, or the active and efficacious presence of the Creator in all his works, even in the action of second causes themselves. Hence they could not assert the divine origin of government, or civil authority, without supposing it supernaturally founded, and excluding all human and natural agencies from its institution. Their writings may be studied with advantage on the constitution of the state, on the practical workings of different forms of government, as well as on the practical administration of affairs, but never on the origin of the state, and the real ground of its authority.

The doctrine is derived from Christian theology, which teaches that there is no power except from God, and enjoins civil obedience as a religious duty. Conscience is accountable to God alone, and civil government, if it had only a natural or human origin, could not bind it. Yet Christianity makes the civil law, within its legitimate sphere, as obligatory on conscience as the divine law itself, and no man is blameless before God who is not blameless before the state. No man performs faithfully his religious duties who neglects his civil duties, and hence the law of the church allows no one to retire from the world and enter a religious order, who has duties that bind him or her to the family or the state; though it is possible that the law is not always strictly observed, and that individuals sometimes enter a convent for the sake of getting rid of those duties,

or the equally important duty of taking care of themselves. But by asserting the divine origin of government, Christianity consecrates civil authority, clothes it with a religious character, and makes civil disobedience, sedition, insurrection, rebellion, revolution, civil turbulence of any sort or degree, sins against God as well as crimes against the state. For the same reason she makes usurpation, tyranny, oppression of the people by civil rulers, offences against God as well as against society, and cognizable by the spiritual authority.

After the establishment of the Christian church, after its public recognition, and when conflicting claims arose between the two powers—the civil and the ecclesiastical—this doctrine of the divine origin of civil government was abused, and turned against the church with most disastrous consequences. While the Roman empire of the West subsisted, and even after its fall, so long as the emperor of the East asserted and practically maintained his authority in the exarchate of Ravenna and the duchy of Rome, the popes comported themselves, in civil matters, as subjects of the Roman emperor, and set forth no claim to temporal independence. But when the emperor had lost Rome, and all his possessions in Italy, had abandoned them, or been deprived of them by the barbarians, and ceased to make any efforts to recover them, the pope was no longer a subject, even in civil matters, of the emperor, and owed him no civil allegiance. He became civilly independent of the Roman empire, and had only spiritual relations with it. To the new powers that sprang up in Europe he appears never to have acknowledged any civil subjection, and uniformly asserted, in face of them, his civil as well as spiritual independence.

This civil independence the successors of Charlemagne, who pretended to be the successors of the Roman emperors of the West, and called their empire the Holy Roman Empire, denied, and maintained that the pope owed them civil allegiance, or that, in temporals, the emperor was the pope's superior. If, said the emperor, or his lawyers for him, the civil power is from God, as it must be, since *non est potestas nisi a Deo*, the state stands on the same footing with the church, and the imperial power emanates from as high a source as the pontifical. The emperor is then as supreme in temporals as the pope in spirituals; and as the emperor is subject to the pope in spirituals, so must the pope be sub-

ject to the emperor in temporals. As, at the time when the dispute arose, the temporal interests of churchmen were so interwoven with their spiritual rights, the pretensions of the emperor amounted practically to the subjection in spirituals as well as temporals of the ecclesiastical authority to the civil, and absorbed the church in the state, the reasoning was denied, and churchmen replied: The pope represents the spiritual order, which is always and everywhere supreme over the temporal, since the spiritual order is the divine sovereignty itself. Always and everywhere, then, is the pope independent of the emperor, his superior, and to subject him in any thing to the emperor would be as repugnant to reason as to subject the soul to the body, the spirit to the flesh, heaven to earth, or God to man.

If the universal supremacy claimed for the pope, rejoined the imperialists, be conceded, the state would be absorbed in the church, the autonomy of civil society would be destroyed, and civil rulers would have no functions but to do the bidding of the clergy. It would establish a complete theocracy, or, rather, clerocracy, of all possible governments the government the most odious to mankind, and the most hostile to social progress. Even the Jews could not, or would not, endure it, and prayed God to give them a king, that they might be like other nations.

In the heat of the controversy neither party clearly and distinctly perceived the true state of the question, and each was partly right and partly wrong. The imperialists wanted room for the free activity of civil society, the church wanted to establish in that society the supremacy of the moral order, or the law of God, without which governments can have no stability, and society no real well-being. The real solution of the difficulty was always to be found in the doctrine of the church herself, and had been given time and again by her most approved theologians. The pope, as the visible head of the spiritual society, is, no doubt, superior to the emperor, not precisely because he represents a superior order, but because the church, of which he is the visible chief, is a supernatural institution, and holds immediately from God, whereas civil society, represented by the emperor, holds from God only mediately, through second causes, or the people. Yet, though derived from God only through the people, civil authority still holds from God, and derives its right from him through another channel than the church or spiritual society, and, therefore, has a right, a sacredness,

which the church herself gives not, and must recognize and respect. This she herself teaches in teaching that even infidels, as we have seen, may have legitimate government, and since, though she interprets and applies the law of God, both natural and revealed, she makes neither.

Nevertheless, the imperialists or the statists insisted on their false charge against the pope, that he labored to found a purely theocratic or clerocratic government, and finding themselves unable to place the representative of the civil society on the same level with the representative of the spiritual, or to emancipate the state from the law of God, while they conceded the divine origin or right of government, they sought to effect its independence by asserting for it only a natural or purely human origin. For nearly two centuries the most popular and influential writers on government have rejected the divine origin and ground of civil authority, and excluded God from the state. They have refused to look beyond second causes, and have labored to derive authority from man alone. They have not only separated the state from the church as an external corporation, but from God as its internal lawgiver, and by so doing have deprived the state of her sacredness, inviolability, or hold on the conscience, scoffed at loyalty as a superstition, and consecrated not civil authority, but what is called "the right of insurrection." Under their teaching the age sympathizes not with authority in its efforts to sustain itself and protect society, but with those who conspire against it—the insurgents, rebels, revolutionists seeking its destruction. The established government that seeks to enforce respect for its legitimate authority and compel obedience to the laws, is held to be despotic, tyrannical, oppressive, and resistance to it to be obedience to God, and a wild howl rings through Christendom against the prince that will not stand still and permit the conspirators to cut his throat. There is hardly a government now in the civilized world that can sustain itself for a moment without an armed force sufficient to overawe or crush the party or parties in permanent conspiracy against it.

This result is not what was aimed at or desired, but it is the logical or necessary result of the attempt to erect the state on atheistical principles. Unless founded on the divine sovereignty, authority can sustain itself only by force, for political atheism recognizes no right but might. No doubt the politicians have sought an atheistical, or what is

the same thing, a purely human, basis for government, in order to secure an open field for human freedom and activity, or individual or social progress. The end aimed at has been good, laudable even, but they forgot that freedom is possible only with authority that protects it against license as well as against despotism, and that there can be no progress where there is nothing that is not progressive. In civil society two things are necessary—stability and movement. The human is the element of movement, for in it are possibilities that can be only successively actualized. But the element of stability can be found only in the divine, in God, in whom there is no unactualized possibility, who, therefore, is immovable, immutable, and eternal. The doctrine that derives authority from God through the people, recognizes in the state both of these elements, and provides alike for stability and progress.

This doctrine is not mere theory; it simply states the real order of things. It is not telling what ought to be, but what is in the real order. It only asserts for civil government the relation to God which nature herself holds to him, which the entire universe holds to the Creator. Nothing in man, in nature, in the universe, is explicable without the creative act of God, for nothing exists without that act. That God "in the beginning created heaven and earth," is the first principle of all science as of all existences, in politics no less than in theology. God and creation comprise all that is or exists, and creation, though distinguishable from God as the act from the actor, is inseparable from him, "for in him we live and move and have our being." All creatures are joined to him by his creative act, and exist only as through that act they participate of his being. Through that act he is immanent as first cause in all creatures and in every act of every creature. The creature deriving from his creative act can no more continue to exist than it could begin to exist without it. It is as bad philosophy as theology, to suppose that God created the universe, endowed it with certain laws of development or activity, wound it up, gave it a jog, set it agoing, and then left it to go of itself. It cannot go of itself, because it does not exist of itself. It did not merely not begin to exist, but it cannot continue to exist, without the creative act. Old Epicurus was a sorry philosopher, or rather, no philosopher at all. Providence is as necessary as creation, or rather, providence is only continuous creation, the creative act not suspended

or discontinued, or not passing over from the creature and returning to God.

Through the creative act man participates of God, and he can continue to exist, act, or live only by participating through it of his divine being. There is, therefore, something of divinity, so to speak, in every creature, and therefore it is that God is worshipped in his works without idolatry. But he creates substantial existences capable of acting as second causes. Hence, in all living things there is in their life a divine element and a natural element; in what is called human life, there are the divine and the human, the divine as first and the human as second cause, precisely what the doctrine of the great Christian theologians asserts to be the fact with all legitimate or real government. Government cannot exist without the efficacious presence of God any more than man himself, and men might as well attempt to build up a world as to attempt to found a state without God. A government founded on atheistical principles were less than a castle in the air. It would have nothing to rest on, would not be even so much as "the baseless fabric of a vision," and they who imagine that they really do exclude God from their politics deceive themselves; for they accept and use principles which, though they know it not, are God. What they call abstract principles, or abstract forms of reason, without which there were no logic, are not abstract, but the real, living God himself. Hence government, like man himself, participates of the divine being, and, derived from God through the people, it at the same time participates of human reason and will, thus reconciling authority with freedom, and stability with progress.

The people, holding their authority from God, hold it not as an inherent right, but as a trust from him, and are accountable to him for it. It is not their own. If it were their own they might do with it as they pleased, and no one would have any right to call them to an account; but holding it as a trust from God, they are under his law, and bound to exercise it as that law prescribes. Civil rulers, holding their authority from God through the people, are accountable for it both to him and to them. If they abuse it they are justiciable by the people and punishable by God himself.

Here is the guaranty against tyranny, oppression, or bad government, or what in modern times is called the responsibility of power. At the same time the state is guarantied

against sedition, insurrection, rebellion, revolution, by the elevation of the civic virtues to the rank of religious virtues, and making loyalty a matter of conscience. Religion is brought to the aid of the state, not indeed as a foreign auxiliary, but as integral in the political order itself. Religion sustains the state, not because it externally commands us to obey the higher powers, or to be submissive to the powers that be, not because it trains the people to habits of obedience, and teaches them to be resigned and patient under the grossest abuses of power, but because it and the state are in the same order, and inseparable though distinct parts of one and the same whole. The church and the state, as corporations or external governing bodies, are indeed separate in their spheres, and the church does not absorb the state, nor does the state the church; but both are from God, and both work to the same end, and when each is rightly understood there is no antithesis or antagonism between them. Men serve God in serving the state as directly as in serving the church. He who dies on the battle-field fighting for his country ranks with him who dies at the stake for his faith. Civic virtues are themselves religious virtues, or at least virtues without which there are no religious virtues, since no man who loves not his brother does or can love God.

The guaranties offered the state or authority are ample, because it has not only conscience, moral sentiment, interest, habit, and the *vis inertiæ* of the mass, but the whole physical force of the nation, at its command. The individual has, indeed, only moral guaranties against the abuse of power by the sovereign people, which may no doubt sometimes prove insufficient. But moral guaranties are always better than none, and there are none where the people are held to be sovereign in their own native right and might, organized or unorganized, inside or outside of the constitution, as most modern democratic theorists maintain; since, if so, the will of the people, however expressed, is the criterion of right and wrong, just and unjust, true and false, is infallible and impeccable, and no moral right can ever be pleaded against it; they are accountable to nobody, and, let them do what they please, they can do no wrong. This would place the individual at the mercy of the state, and deprive him of all right to complain, however oppressed or cruelly treated. This would establish the absolute despotism of the state, and deny every thing like the natural rights of man, or individ-

ual and personal freedom, as has already been shown. Now as men do take part in government, and as men, either individually or collectively, are neither infallible nor impeccable, it is never to be expected, under any possible constitution or form of government, that authority will always be wisely and justly exercised, that wrong will never be done, and the rights of individuals never in any instance be infringed; but with the clear understanding that all power is of God, that the political sovereignty is vested in the people or the collective body, that the civil rulers hold from God through them and are responsible to him through them, and justiciable by them, there is all the guaranty against the abuse of power by the nation, the political or organic people, that the nature of the case admits. The nation may, indeed, err or do wrong, but in the way supposed you get in the government all the available wisdom and virtue the nation has, and more is never, under any form or constitution of government, practicable or to be expected.

It is a maxim with constitutional statesmen, that "the king reigns, not governs." The people, though sovereign under God, are not the government. The government is in their name and by virtue of authority delegated from God through them, but they are not it, are not their own ministers. It is only when the people forget this and undertake to be their own ministers and to manage their own affairs immediately by themselves instead of selecting agents to do it for them, and holding their agents to a strict account for their management, that they are likely to abuse their power or to sanction injustice. The nation may be misled or deceived for a moment by demagogues, those popular courtiers, but as a rule it is disposed to be just and to respect all natural rights. The wrong is done by individuals who assume to speak in their name, to wield their power, and to be themselves the state. *L'état, c'est moi*, I am the state, said Louis XIV. of France, and while that was conceded the French nation could have in its government no more wisdom or virtue than he possessed, or at least no more than he could appreciate. And under his government France was made responsible for many deeds that the nation would never have sanctioned, if it had been recognized as the depository of the national sovereignty, or as the French state, and answerable to God for the use it made of political power, or the conduct of its government.

But be this as it may, there evidently can be no physical

force in the nation to coerce the nation itself in case it goes wrong, for if the sovereignty vests in the nation, only the nation can rightly command or authorize the employment of force, and all commissions must run in its name. Written constitutions alone will avail little, for they emanate from the people, who can disregard them, if they choose, and alter or revoke them at will. The reliance for the wisdom and justice of the state must after all be on moral guaranties. In the very nature of the case there are and can be no other. But these, placed in a clear light, with an intelligent and religious people, will seldom be found insufficient. Hence the necessity for the protection, not of authority simply or chiefly, but of individual rights and the liberty of religion and intelligence in the nation, of the general understanding that the nation holds its power to govern as a trust from God, and that to God through the people all civil rulers are strictly responsible. Let the mass of the people in any nation lapse into the ignorance and barbarism of atheism, or lose themselves in that supreme sophism called pantheism,—the grand error of ancient as well as of modern gentilism,—and liberty, social or political, except that wild kind of liberty, and perhaps not even that should be excepted, which obtains among savages, would be lost and irrecoverable.

But after all, this theory does not meet all the difficulties of the case. It derives sovereignty from God, and thus asserts the divine origin of government in the sense that the origin of nature is divine; it derives it from God through the people, collectively, or as society, and therefore concedes it a natural, human, and social element, which distinguishes it from pure theocracy. It, however, does not explain how authority comes from God to the people. The ruler, king, prince, or emperor, holds from God through the people, but how do the people themselves hold from God? Mediately or immediately? If mediately, what is the medium? Surely not the people themselves. The people can no more be the medium than the principle of their own sovereignty. If immediately, then God governs in them as he does in the church, and no man is free to think or act contrary to popular opinion, or in any case to question the wisdom or justice of any of the acts of the state, which is arriving at state absolutism by another process. Besides, this would theoretically exclude all human or natural activity, all human intelligence and free-will

from the state, which were to fall into either pantheism or atheism.

VIII. The right of government to govern, or political authority, is derived by the collective people or society, from God through the law of nature. Rulers hold from God through the people or nation, and the people or nation hold from God through the natural law. How nations are founded or constituted, or a particular people becomes a sovereign political people, invested with the rights of society, will be considered in the following chapters. Here it suffices to say that supposing a political people or nation, the sovereignty vests in the community, not supernaturally, or by an external supernatural appointment, as the clergy hold their authority, but by the natural law, or law by which God governs the whole moral creation.

They who assert the origin of government in nature are right, so far as they derive it from God through the law of nature, and are wrong only when they understand by the law of nature the physical force or forces of nature, which are not laws in the primary and proper sense of the term. The law of nature is not the order or rule of the divine action in nature which is rightfully called providence, but is, as has been said, law in its proper and primary sense, ordained by the Author of nature, as its sovereign and supreme lawgiver, and binds all of his creatures who are endowed with reason and free-will, and is called natural, because promulgated through the reason common to all men. Undoubtedly, it was in the first instance, to the first man, supernaturally promulgated, as it is republished and confirmed by Christianity, as an integral part of the Christian code itself. Man needs even yet instruction in relation to matters lying within the range of natural reason, or else secular schools, colleges, and universities would be superfluous, and manifestly the instructor of the first man could have been only the Creator himself.

The knowledge of the natural law has been transmitted from Adam to us through two channels; reason, which is in every man, and in immediate relation with the Creator, and the traditions of the primitive instruction embodied in language and what the Romans call *jus gentium*, or law common to all civilized nations. Under this law, whose prescriptions are promulgated through reason and embodied in universal jurisprudence, nations are providentially constituted, and invested with political sovereignty; and as

they are constituted under this law and hold from God through it, it defines their respective rights and powers, their limitation and their extent.

The political sovereignty, under the law of nature, attaches to the people, not individually, but collectively, as civil or political society. It is vested in the political community or nation, not in an individual, or family, or a class, because, under the natural law, all men are equal, as they are under the Christian law, and one man has, in his own right, no authority over another. The family has in the father a natural chief, but political society has no natural chief or chiefs. The authority of the father is domestic, not political, and ceases when his children have attained to majority, have married and become heads of families themselves, or have ceased to make part of the paternal household. The recognition of the authority of the father beyond the limits of his own household, is, if it ever occurs, by virtue of the ordinance, the consent, express or tacit, of the political society. There are no natural-born political chiefs, and wherever we find men claiming or acknowledged to be such, they are either usurpers, what the Greeks called *tyrants*, or they are made such by the will or constitution of the people or the nation.

Both monarchy and aristocracy were, no doubt, historically developed from the authority of the patriarchs, and have unquestionably been sustained by an equally false development of the right of property, especially landed property. The owner of the land, or he who claimed to own it, claimed as an incident of his ownership the right to govern it, and consequently to govern all who occupied it. But however valid may be the landlord's title to the soil, and it is doubtful if man can own any thing in land beyond the usufruct, it can give him under the law of nature no political right. Property, like all natural rights, is entitled by the natural law to protection, but not to govern. Whether it shall be made a basis of political power or not is a question of political prudence, to be determined by the supreme political authority. It was the basis, and almost exclusive basis, in the middle ages, under feudalism, and is so still in most states. France and the United States are the principal exceptions in Christendom. Property alone, or coupled with birth, is made elsewhere in some form a basis of political power, and where made so by the sovereign authority, it is legitimate, but not wise nor desirable; for it takes from

the weak and gives to the strong. The rich have in their riches advantages enough over the poor, without receiving from the state any additional advantage. An aristocracy, in the sense of families distinguished by birth, noble and patriotic services, wealth, cultivation, refinement, taste, and manners, is desirable in every nation, is a nation's ornament, and also its chief support, but they need and should receive no political recognition. They should form no privileged class in the state or political society.

### CHAPTER VII.—CONSTITUTION OF GOVERNMENT.

THE constitution is two-fold: the constitution of the state or nation, and the constitution of the government. The constitution of the government is, or is held to be, the work of the nation itself; the constitution of the state, or the people of the state, is, in its origin at least, providential, given by God himself, operating through historical events or natural causes. The one originates in law, the other in historical fact. The nation must exist, and exist as a political community, before it can give itself a constitution; and no state, any more than an individual, can exist without a constitution of some sort.

The distinction between the providential constitution of the people and the constitution of the government, is not always made. The illustrious Count de Maistre, one of the ablest political philosophers who wrote in the last century, or the first quarter of the present, in his work on the *Generative Principle of Political Constitutions*, maintains that constitutions are generated, not made, and excludes all human agency from their formation and growth. Disgusted with French Jacobinism, from which he and his king and country had suffered so much, and deeply wedded to monarchy in both church and state, he had the temerity to maintain that God creates expressly royal families for the government of nations, and that it is idle for a nation to expect a good government without a king who has descended from one of those divinely created royal families. It was with some such thought, most likely, that a French journalist, writing home from the United States, congratulated the American people on having a Bonaparte in their army, so that when their democracy failed, as in a few years it was sure to do, they would have a descendant of a royal house to be their king or em-

peror. Alas! the Bonaparte has left us, and besides, he was not the descendant of a royal house, and was, like the present emperor of the French, a decided *parvenu*. Still, the emperor of the French, if only a *parvenu*, bears himself right imperially among sovereigns, and has no peer among any of the descendants of the old royal families of Europe.

There is a truth, however, in De Maistre's doctrine that constitutions are generated, or developed, not created *de novo*, or made all at once. But nothing is more true than that a nation can alter its constitution by its own deliberate and voluntary action, and many nations have done so, and sometimes for the better, as well as for the worse. If the constitution once given is fixed and unalterable, it must be wholly divine, and contain no human element, and the people have and can have no hand in their own government—the fundamental objection to the theocratic constitution of society. To assume it is to transfer to civil society, founded by the ordinary providence of God, the constitution of the church, founded by his gracious or supernatural providence, and to maintain that the divine sovereignty governs in civil society immediately and supernaturally, as in the spiritual society. But such is not the fact. God governs the nation by the nation itself, through its own reason and free-will. De Maistre is right only as to the constitution the nation starts with, and as to the control which that constitution necessarily exerts over the constitutional changes the nation can successfully introduce.

The disciples of Jean Jacques Rousseau recognize no providential constitution, and call the written instrument drawn up by a convention of sovereign individuals the constitution, and the only constitution, both of the people and the government. Prior to its adoption there is no government, no state, no political community or authority. Antecedently to it the people are an inorganic mass, simply individuals, without any political or national solidarity. These individuals, they suppose, come together in their own native right and might, organize themselves into a political community, give themselves a constitution, and draw up and vote rules for their government, as a number of individuals might meet in a public hall and resolve themselves into a temperance society or a debating club. This might do very well if the state were, like the temperance society or debating club, a simple voluntary association, which men

are free to join or not as they please, and which they are bound to obey no further and no longer than suits their convenience. Bnt the state is a power, a sovereignty; speaks to all within its jurisdiction with an imperative voice; commands, and may use physical force to compel obedience, when not voluntarily yielded. Men are born its subjects, and no one can withdraw from it without its express or tacit permission, unless for causes that would justify resistance to its authority. The right of subjects to denationalize or expatriate themselves, except to escape a tyranny or an oppression which would forfeit the rights of power and warrant forcible resistance to it, does not exist, any more than the right of foreigners to become citizens, unless by the consent and authorization of the sovereign; for the citizen or subject belongs to the state, and is bound to it.

The solidarity of the individuals composing the population of a territory or country under one political head is a truth; but "the solidarity of peoples," irrespective of the government or political authority of their respective countries, so eloquently preached a few years since by the Hungarian Kossuth, is not only a falsehood, but a falsehood destructive of all government and of all political organization. Kossuth's doctrine supposes the people, or the populations of all countries, are, irrespective of their governments, bound together *in solido*, each for all and all for each, and therefore not only free, but bound, wherever they find a population struggling nominally for liberty against its government, to rush with arms in their hands to its assistance—a doctrine clearly incompatible with any recognition of political authority or territorial rights. Peoples or nations commune with each other only through the national authorities, and when the state proclaims neutrality or non-intervention, all its subjects are bound to be neutral, and to abstain from all intervention on either side. There may be, and indeed there is, a solidarity, more or less distinctly recognized, of Christian nations, but of the populations with and through their governments, not without them. Still more strict is the solidarity of all the individuals of one and the same nation. These are all bound together, all for each and each for all. The individual is born into society and under the government, and without the authority of the government, which represents all and each, he cannot release himself from his obligations. The state is then by no means a voluntary association. Every one born or adopted into it

is bound to it, and cannot without its permission withdraw from it, unless, as just said, it is manifest that he can have under it no protection for his natural rights as a man, more especially for his rights of conscience. This is Vattel's doctrine, and the dictate of common sense.

The constitution drawn up, ordained, and established by a nation for itself is a law—the organic or fundamental law, if you will, but a law, and is and must be the act of the sovereign power. That sovereign power must exist before it can act, and it cannot exist, if vested in the people or nation, without a constitution, or without some sort of political organization of the people or nation. There must, then, be for every state or nation a constitution anterior to the constitution which the nation gives itself, and from which the one it gives itself derives all its vitality and legal force.

Logic and historical facts are here, as elsewhere, coincident, for creation and providence are simply the expression of the supreme Logic, the Logos, by whom all things are made. Nations have originated in various ways, but history records no instance of a nation existing as an inorganic mass organizing itself into a political community. Every nation, at its first appearance above the horizon, is found to have an organization of some sort. This is evident from the only ways in which history shows us nations originating. These ways are: 1. The union of families in the tribe. 2. The union of tribes in the nation. 3. The migration of families, tribes, or nations in search of new settlements. 4. Colonization, military, agricultural, commercial, industrial, religious, or penal. 5. War and conquest. 6. The revolt, separation, and independence of provinces. 7. The intermingling of the conquerors and conquered, and by amalgamation forming a new people. These are all the ways known to history, and in none of these ways does a people, absolutely destitute of all organization, constitute itself a state, and institute and carry on civil government.

The family, the tribe, the colony are, if incomplete, yet incipient states, or inchoate nations, with an organization, individuality, and a centre of social life of their own. The families and tribes that migrate in search of new settlements carry with them their family and tribal organizations, and retain it for a long time. The Celtic tribes retained it in Gaul till broken up by the Roman conquest, under Cæsar Augustus; in Ireland, till the middle of the seventeenth

century; and in Scotland, till the middle of the eighteenth. It subsists still in the *hordes* of Tartary, the Arabs of the Desert, and the Berbers or Kabyles of Africa.

Colonies, of whatever description, have been founded, if not by, at least under, the authority of the mother country, whose political constitution, laws, manners, and customs they carry with them. They receive from the parent state a political organization, which, though subordinate, yet constitutes them embryonic states, with a unity, individuality, and centre of public life in themselves, and which, when they are detached and recognized as independent, render them complete states. War and conquest effect great national changes, but do not, strictly speaking, create new states. They simply extend and consolidate the power of the conquering state.

Provinces revolt and become independent states or nations, but only when they have previously existed as such, and have retained the tradition of their old constitution and independence; or when the administration has erected them into real though dependent political communities. A portion of the people of a state not so erected or organized, that has in no sense had a distinct political existence of its own, has never separated from the national body and formed a new and independent nation. It cannot revolt; it may rise up against the government, and either revolutionize and take possession of the state, or be put down by the government as an insurrection. The amalgamation of the conquering and the conquered forms a new people, and modifies the institutions of both, but does not necessarily form a new nation or political community. The English of to-day are very different from both the Normans and the Saxons, or Dano-Saxons, of the time of Richard Cœur-de-Lion, but they constitute the same state or political community. England is still England.

The Roman empire, conquered by the northern barbarians, has been cut up into several separate and independent nations, but because its several provinces had, prior to their conquest by the Roman arms, been independent nations or tribes, and more especially because the conquerors themselves were divided into several distinct nations or confederacies. If the barbarians had been united in a single nation or state, the Roman empire most likely would have changed masters, indeed, but have retained its unity and its constitution, for the Germanic nations that finally seated themselves on its ruins had no wish to destroy its name or nationality, for

they were themselves more than half romanized before conquering Rome. But the new nations into which the empire has been divided have never been, at any moment, without political or governmental organization, continued from the constitution of the conquering tribe or nation, modified more or less by what was retained from the empire.

It is not pretended that the constitutions of states cannot be altered, or that every people starts with a constitution fully developed, as would seem to be the doctrine of De Maistre. The constitution of the family is rather economical than political, and the tribe is far from being a fully developed state. Strictly speaking, the state, the modern equivalent for the city of the Greeks and Romans, was not fully formed till men began to build and live in cities, and became fixed to a national territory. But in the first place, the eldest born of the human race, we are told, built a city, and even in cities we find traces of the family and tribal organization long after their municipal existence—in Athens down to the Macedonian conquest, and in Rome down to the establishment of the empire; and, in the second place, the pastoral nations, though they have not precisely the city or state organization, yet have a national organization, and obey a national authority. Strictly speaking, no pastoral nation has a civil or political constitution, but they have what in our modern tongues can be expressed by no other term. The feudal *régime*, which was in full vigor even in Europe from the tenth to the close of the fourteenth century, had nothing to do with cities, and really recognized no state proper; yet who hesitates to speak of it as a civil or political system, though a very imperfect one?

The civil order, as it now exists, was not fully developed in the early ages. For a long time the national organizations bore unmistakable traces of having been developed from the patriarchal, and modelled from the family or tribe, as they do still in all the non-Christian world. Religion itself, before the Incarnation, bore traces of the same organization. Even with the Jews, religion was transmitted and diffused, not as under Christianity by conversion, but by natural generation or family adoption. With all the gentile tribes or nations, it was the same. At first the father was both priest and king, and when the two offices were separated, the priests formed a distinct and hereditary class or caste, rejected by Christianity, which, as we have seen, admits priests only after the order of Melchisedech.

The Jews had the synagogue, and preserved the primitive revelation in its purity and integrity; but the Greeks and Romans, more fully than any other ancient nations, preserved or developed the political order that best conforms to the Christian religion; and Christianity, it is worthy of remark, followed in the track of the Roman armies, and it gains a permanent establishment only where was planted, or where it is able to plant, the Græco-Roman civilization. The Græco-Roman republics were hardly less a schoolmaster to bring the world to Christ in the civil order, than the Jewish nation was to bring it to him in the spiritual order, or in faith and worship. In the Christian order nothing is by hereditary descent, but every thing is by election of grace. The Christian dispensation is teleological, palingenesiac, and the whole order, prior to the Incarnation, was initial, genesiac, and continued by natural generation, as it is still in all nations and tribes outside of Christendom. No non-Christian people is a civilized people, and, indeed, the human race seems not anywhere, prior to the Incarnation, to have attained to its majority: and it is, perhaps, because the race were not prepared for it, that the Word was not sooner incarnated. He came only in the fulness of time, when the world was ready to receive him.

The providential constitution is, in fact, that with which the nation is born, and is, as long as the nation exists, the real living and efficient constitution of the state. It is the source of the vitality of the state, that which controls or governs its action, and determines its destiny. The constitution which a nation is said to give itself, is never the constitution of the state, but is the law ordained by the state for the government instituted under it. Thomas Paine would admit nothing to be the constitution but a written document which he could fold up and put in his pocket, or file away in a pigeon-hole. The Abbé Siéyès pronounced politics a science which he had finished, and he was ready to turn you out constitutions to order, with no other defect than that they had, as Carlyle wittily says, no feet, and could not go. Many in the last century, and some, perhaps, in the present, for folly as well as wisdom has her heirs, confounded the written instrument with the constitution itself. No constitution can be written on paper or engrossed on parchment. What the convention may agree upon, draw up, and the people ratify by their votes, is no constitution, for it is extrinsic to the nation, not inherent and living in

it—is, at best, legislative instead of constitutive. The famous Magna Charta drawn up by Cardinal Langton, and wrung from John Lackland by the English barons at Runnymede, was no constitution of England till long after the date of its concession, and even then was no constitution of the state, but a set of restrictions on power. The constitution is the intrinsic or inherent and actual constitution of the people or political community itself; that which makes the nation what it is, and distinguishes it from every other nation, and varies as nations themselves vary from one another.

The constitution of the state is not a theory, nor is it drawn up and established in accordance with any preconceived theory. What is theoretic in a constitution is unreal. The constitutions conceived by philosophers in their closets are constitutions only of Utopia or Dreamland. This world is not governed by abstractions, for abstractions are nullities. Only the concrete is real, and only the real or actual has vitality or force. The French people adopted constitution after constitution of the most approved pattern, and amid bonfires, beating of drums, sound of trumpets, roar of musketry, and thunder of artillery, swore, no doubt, sincerely as well as enthusiastically, to observe them, but all to no effect; for they had no authority for the nation, no hold on its affections, and formed no element of its life. The English are great constitution-mongers—for other nations. They fancy that a constitution fashioned after their own will fit any nation that can be persuaded, wheedled, or bullied into trying it on; but unhappily, all that have tried it on have found it only an embarrassment or encumbrance. The doctor might as well attempt to give an individual a new constitution, or the constitution of another man, as the statesman to give a nation any other constitution than that which it has, and with which it is born.

The whole history of Europe, since the fall of the Roman empire, proves this thesis. The barbarian conquest of Rome introduced into the nations founded on the site of the empire, a double constitution—the barbaric and the civil—the Germanic and the Roman in the West, and the Tartaric or Turkish and the Græco-Roman in the East. The key to all modern history is in the mutual struggles of these two constitutions and the interests respectively associated with them, which created two societies on the same territory, and, for the most part, under the same national de-

nomination. The barbaric was the constitution of the conquerors; they had the power, the government, rank, wealth, and fashion, were reënforced down to the tenth century by fresh hordes of barbarians, and had even brought the external ecclesiastical society to a very great extent into harmony with itself. The pope became a feudal sovereign, and the bishops and mitred abbots feudal princes and barons. Yet, after eight hundred years of fierce struggle, the Roman constitution got the upper hand, and the barbaric constitution, as far as it could not be assimilated to the Roman, was eliminated. The original empire of the West is now as thoroughly Roman in its constitution, its laws, and its civilization, as it ever was under any of its Christian emperors before the barbarian conquest.

The same process is going on in the East, though it has not advanced so far, having begun there several centuries later, and the Græco-Roman constitution was far feebler there than in the West at the epoch of the conquest. The Germanic tribes that conquered the West had long had close relations with the empire, had served as its allies, and even in its armies, and were partially romanized. Most of their chiefs had received a Roman culture; and their early conversion to the Christian faith facilitated the revival and permanence of the old Roman constitution. In the East it was different. The conquerors had no touch of Roman civilization, and, followers of the Prophet, they were animated with an intense hatred, which, after the conquest, was changed into a superb contempt, of Christians and Romans. They had their civil constitution in the Koran; and the Koran, in its principles, doctrines, and spirit, is exclusive, and profoundly intolerant. The Græco-Roman constitution was always much weaker in the East, and had far greater obstacles to overcome there than in the West; yet it has survived the shock of the conquest. Throughout the limits of the ancient empire of the East, the barbaric constitution has received and is daily receiving rude blows, and, but as reënforced by barbarians lying outside of the boundaries of that empire, would be no longer able to sustain itself. The Greek or Christian populations of the empire are no longer in danger of being exterminated or absorbed by the Mohammedan state or population. They are the only living and progressive people of the Ottoman empire, and their complete success in absorbing or expelling the Turk is only a question of time. They will, in all present probability, re-

establish a Christian and Roman East in much less time from the fall of Constantinople in 1453, than it took the West from the fall of Rome in 476 to put an end to the feudal or barbaric constitution founded by its Germanic invaders.

Indeed, the Roman constitution, laws, and civilization not only gain the mastery in the nations seated within the limits of the old Roman empire, but extend their power throughout the whole civilized world. The Græco-Roman civilization is, in fact, the only civilization now recognized, and nations are accounted civilized only in proportion as they are romanized and christianized. The Roman law, as found in the Institutes, Pandects, and Novellæ of Justinian, or the *Corpus Juris Civilis*, is the basis of the law and jurisprudence of all Christendom. The Græco-Roman civilization, called not improperly Christian civilization, is the only progressive civilization. The old feudal system remains in England little more than an empty name. The king is only the first magistrate of the kingdom, and the house of lords is only an hereditary senate. Austria is hard at work in the Roman direction, and finds her chief obstacle to success in Hungary, with the Magyars whose feudalism retains almost the full vigor of the middle ages. Russia is moving in the same direction; and Prussia and the smaller Germanic states obey the same impulse. Indeed, Rome has survived the conquest—has conquered her conquerors, and now invades every region from which they came. The Roman empire may be said to be acknowledged and obeyed in lands lying far beyond the furthest limits reached by the Roman eagles, and to be more truly the mistress of the world than under Augustus, Trajan, or the Antonines. Nothing can stand before the Christian and romanized nations, and all pagandom and Mohammedom combined are too weak to resist their onward march.

All modern European revolutions result only in reviving the Roman empire, whatever the motives, interests, passions, or theories that initiate them. The French revolution of the last century and that of the present prove it. France, let people say what they will, stands at the head of the European civilized world, and displays *en grand* all its good and all its bad tendencies. When she moves, Europe moves; when she has a vertigo, all European nations are dizzy; when she recovers her health, her equilibrium, and good sense, others become sedate, steady, and reasonable. She

is the head, nay, rather, the heart of Christendom—the head is at Rome—through which circulates the pure and impure blood of the nations. . It is in vain Great Britain, Germany, or Russia disputes with her the hegemony of European civilization. They are forced to yield to her at last, to be content to revolve around her as the centre of the political system that masters them. The reason is, France is more completely and sincerely Roman than any other nation. The revolutions that have shaken the world have resulted in eliminating the barbaric elements she had retained, and clearing away all obstacles to the complete triumph of imperial Rome. Napoleon III. is for France what Augustus was for Rome. The revolutions in Spain and Italy have only swept away the relics of the barbaric constitution, and aided the revival of Roman imperialism. In no country do the revolutionists succeed in establishing their own theories: Cæsar remains master of the field. Even in the United States, a revolution undertaken in favor of the barbaric system has resulted in the destruction of what remained of that system—in sweeping away the last relics of disintegrating feudalism, and in the complete establishment of the Græco-Roman system, with important improvements, in the New World.

The Roman system is republican, in the broad sense of the term, because under it power is never an estate, never the private property of the ruler, but, in whose hands soever vested, is held as a trust to be exercised for the public good. As it existed under the Cæsars, and is revived in modern times, whether under the imperial or the democratic form, it, no doubt, tends to centralism, to the concentration of all the powers and forces of the state in one central government, from which all local authorities and institutions emanate. Wise men oppose it as affording no guaranties to individual liberty against the abuses of power. This it may not do, but the remedy is not in feudalism. The feudal lord holds his authority as an estate, and has over the people under him all the power of Cæsar and all the rights of the proprietor. He, indeed, has a guaranty against his liege-lord, sometimes a more effective guaranty than his liege-lord has against him; but against his centralized power his vassals and serfs have only the guaranty that a slave has against his owner.

Feudalism is alike hostile to the freedom of public authority and of the people. It is essentially a disintegrating

element in the nation. It breaks the unity and individuality of the state, embarrasses the sovereign, and guards against the abuse of public authority by overpowering and suppressing it. Every feudal lord is a more thorough despot in his own domain than Cæsar ever was or could be in the empire; and the monarch, even if strong enough, is yet not competent to intervene between him and his people, any more than the general government in the United States was to intervene between the negro slave and his master. The great vassals of the crown singly, or, if not singly, in combination—and they could always combine in the interest of their order—were too strong for the king, or to be brought under any public authority, and could issue from their fortified castles and rob and plunder to their hearts' content, with none to call them to an account. Under the most thoroughly centralized government there is far more liberty for the people, and a far greater security for person and property, except in the case of the feudal nobles themselves, than was even dreamed of while the feudal *régime* was in full vigor. Nobles were themselves free, it is conceded, but not the people. The king was too weak, too restricted in his action by the feudal constitution to reach them, and the higher clergy were *ex officio* sovereigns, princes, barons, or feudal lords, and were led by their private interests to act with the feudal nobility, save when that nobility threatened the temporalities of the church. The only reliance, under God, left in feudal times to the poor people was in the lower ranks of the clergy, especially of the regular clergy. All the great German emperors in the twelfth and thirteenth centuries, who saw the evils of feudalism, and attempted to break it up and revive imperial Rome, became involved in quarrels with the chiefs of the religious society, and failed, because the interest of the popes, as feudal sovereigns and Italian princes, and the interests of the dignified clergy, were for the time bound up with the feudal society, though their Roman culture and civilization made them at heart hostile to it. The student of history, however strong his filial affection towards the visible head of the church, cannot help admiring the grandeur of the political views of Frederic II., the greatest and last of the Hohenstaufen, or refrain from dropping a tear over his sad failure. He had great faults as a man, but he had rare genius as a statesman; and it is some consolation to know that he died a Christian death, in charity with all men, after having received the last sacraments of his religion.

The popes, under the circumstances, were no doubt justified in the policy they pursued, for the Suabian emperors failed to respect the acknowledged rights of the church, and to remember their own incompetency in spirituals; but evidently their political views and aims were liberal, far-reaching, and worthy of admiration. Their success, if it could have been effected without lesion to the church, would have set Europe forward some two or three hundred years, and probably saved it from the schisms of the fourteenth and sixteenth centuries. But it is easy to be wise after the event. The fact is, that during the period when feudalism was in full vigor, the king was merely a shadow; the people found their only consolation in religion, and their chief protectors in the monks, who mingled with them, saw their sufferings, and sympathized with them, consoled them, carried their cause to the castle before the feudal lord and lady, and did, thank God, do something to keep alive religious sentiments and convictions in the bosom of the feudal society itself. Whatever opinions may be formed of the monastic orders in relation to the present, this much is certain, that they were the chief civilizers of Europe, and the chief agents in delivering European society from feudal barbarism.

The aristocracy have been claimed as the natural allies of the throne, but history proves them to be its natural enemies, whenever it cannot be used in their service, and kings do not consent to be their ministers and to do their bidding. A political aristocracy has at heart only the interests of its order, and pursues no line of policy but the extension or preservation of its privileges. Having little to gain and much to lose, it opposes every political change that would either strengthen the crown or elevate the people. The nobility of the French revolution were the first to desert both the king and the kingdom, and kings have always found their readiest and firmest allies in the people. The people in Europe have no such bitter feelings towards royalty as they have towards the feudal nobility—for kings have never so grievously oppressed them. In Rome the patrician order opposed alike the emperor and the people, except when they, as chivalric nobles sometimes will do, turned courtiers or demagogues. They were the people of Rome and the provinces that sustained the emperors, and they were the emperors who sustained the people, and gave to the provincials the privileges of Roman citizens.

Guaranties against excessive centralism are certainly needed, but the statesman will not seek them in the feudal organization of society—in a political aristocracy, whether founded on birth or private wealth, nor in a privileged class of any sort. Better trust Cæsar than Brutus, or even Cato. Nor will he seek them in the antagonism of interests intended to neutralize or balance each other, as in the English constitution. This was the great error of Mr. Calhoun. No man saw more clearly than Mr. Calhoun the utter worthlessness of simple paper constitutions, on which Mr. Jefferson placed such implicit reliance, or that the real constitution is in the state itself, in the manner in which the people themselves are organized; but his reliance was in constituting, as powers in the state, the several popular interests that exist, and pitting them against each other—the famous system of checks and balances of English statesmen. He was led to this, because he distrusted power, and was more intent on guarding against its abuses than on providing for its free, vigorous, and healthy action, going on the principle that "that is the best government which governs least." But, if the opposing interests could be made to balance one another perfectly, the result would be an equilibrium, in which power would be brought to a stand-still; and if not, the stronger would succeed and swallow up all the rest. The theory of checks and balances is admirable if the object be to trammel power, and to have as little power in the government as possible; but it is a theory which is born from passions engendered by the struggle against despotism or arbitrary power, not from a calm and philosophical appreciation of government itself. The English have not succeeded in establishing their theory, for, after all, their constitution does not work so well as they pretend. The landed interest controls at one time, and the mercantile and manufacturing interest at another. They do not perfectly balance one another, and it is not difficult to see that the mercantile and manufacturing interest, combined with the moneyed interest, is henceforth to predominate. The aim of the real statesman is to organize all the interests and forces of the state dialectically, so that they shall unite to add to its strength, and work together harmoniously for the common good.

## CHAPTER VIII.—CONSTITUTION OF GOVERNMENT, CONCLUDED.

THOUGH the constitution of the people is congenital, like the constitution of an individual, and cannot be radically changed without the destruction of the state, it must not be supposed that it is wholly withdrawn from the action of the reason and free-will of the nation, nor from that of individual statesmen. All created things are subject to the law of development, and may be developed either in a good sense or in a bad; that is, may be either completed or corrupted. All the possibilities of the national constitution are given originally in the birth of the nation, as all the possibilities of mankind were given in the first man. The germ must be given in the original constitution. But in all constitutions there is more than one element, and the several elements may be developed *pari passu*, or unequally, one having the ascendency and suppressing the rest. In the original constitution of Rome the patrician element was dominant, showing that the patriarchal organization of society still retained no little force. The king was only the presiding officer of the senate and the leader of the army in war. His civil functions corresponded very nearly to those of a mayor of the city of New York, where all the effective power is in the aldermen, common council, and heads of departments. Except in name he was little else than a pageant. The kings, no doubt, labored to develop and extend the royal element of the constitution. This was natural; and it was equally natural that they should be resisted by the patricians. Hence when the Tarquins, or Etruscan dynasty, undertook to be kings in fact as well as in name, and seemed likely to succeed, the patricians expelled them, and supplied their place by two consuls annually elected. Here was a modification, but no real change of the constitution. The effective power, as before, remained in the senate.

But there was from early times a plebeian element in the population of the city, though forming at first no part of the political people. Their origin is not very certain, nor their original position in the city. Historians give different accounts of them. But that they should, as they increased in numbers, wealth, and importance, demand admission into the political society, religious or solemn marriage, a voice in the government, and the faculty of holding civil and military offices, was only in the order of regular develop-

ment. At first the patricians fought them, and, failing to subdue them by force, effected a compromise, and bought up their leaders. The concession which followed of the tribunitial veto was only a further development. By that veto the plebeians gained no initiative, no positive power, indeed, but their tribunes, by interposing it, could stop the proceedings of the government. They could not propose the measures they liked, but they could prevent the legal adoption of measures they disliked—a faculty Mr. Calhoun asserted for the several states of the American Union in his doctrine of nullification, or state veto, as he called it. It was simply an obstructive power.

But from a power to obstruct legislative action to the power to originate or propose it, and force the senate to adopt it through fear of the veto of measures the patricians had at heart, was only a still further development. This gained, the exclusively patrician constitution had disappeared, and Marius, the head of a great plebeian house, could be elected consul and the plebeians in turn threaten to become predominant, which Sylla or Sulla, as dictator, seeing, tried in vain to prevent. The dictator was provided for in the original constitution. Retain the dictatorship for a time, strengthen the plebeian element by ruthless proscriptions of patricians and by recruits from the provinces, unite the tribunitial, pontifical, and military powers in the imperator designated by the army, all elements existing in the constitution from an early day, and already developed in the Roman state, and you have the imperial constitution, which retained to the last the senate and consuls, though with less and less practical power. These changes are very great, but are none of them radical, dating from the recognition of the plebs as pertaining to the Roman people. They are normal developments, not corruptions, and the transition from the consular republic to the imperial was unquestionably a real social and political progress. And yet the Roman people, had they chosen, could have given a different direction to the developments of their constitution. There was Providence in the course of events, but no fatalism.

Sulla was a true patrician, a blind partisan of the past. He sought to arrest the plebeian development led by Marius, and to restore the exclusively patrician government. But it was too late. His proscriptions, confiscations, butcheries, unheard-of cruelties, which anticipated and surpassed those of the French revolution of 1793, availed nothing. The

Marian or plebeian movement, apparently checked for a moment, resumed its march with renewed vigor under Julius, and triumphed at Pharsalia. In vain Cicero, only accidentally associated with the patrician party, which distrusted him —in vain Cicero declaims, Cato scolds, or parades his impractical virtues, Brutus and Cassius seize the assassin's dagger, and strike to the earth "the foremost man of all the world;" the plebeian cause moves on with resistless force, triumphs anew at Philippi, and young Octavius avenges the murder of his uncle, and proves to the world that the assassination of a ruler is a blunder as well as a crime. In vain does Mark Antony desert the movement, rally Egypt and the barbaric East, and seek to transfer the seat of empire from the Tiber to the banks of the Nile or the Orontes; plebeian and imperial Rome wins a final victory at Actium, and definitively secures the empire of the civilized world to the West.

Thus far the developments were normal, and advanced civilization. But Rome still retained the barbaric element of slavery in her bosom, and had conquered more barbaric nations than she had assimilated. These nations she at first governed as tributary states, with their own constitutions and national chiefs; afterwards as Roman provinces, by her own proconsuls and prefects. When the emperors threw open the gates of the city to the provincials, and conceded them the rights and privileges of Roman citizens, they introduced not only a foreign element into the state, destitute of Roman patriotism, but the barbaric and despotic elements retained by the conquered nations as yet only partially assimilated. These elements became germs of anti-republican developments, rather of corruptions, and prepared the downfall of the empire. Doubtless these corruptions might have been arrested, and would have been, if Roman patriotism had survived the changes effected in the Roman population by the concession of Roman citizenship to provincials; but it did not, and they were favored as time went on by the emperors themselves, and more especially by Diocletian, a real barbarian, who hated Rome, and by Constantine, surnamed the Great, a real despot, who converted the empire from a republican to a despotic empire. Rome fell from the force of barbarism developed from within, far more than from the force of the barbarians hovering on her frontiers and invading her provinces.

The law of all possible developments is in the providential

or congenital constitution; but these possible developments are many and various, and the reason and free-will of the nation as well as of individuals are operative in determining which of them shall be adopted. The nation, under the direction of wise and able statesmen, who understood their age and country, who knew how to discern between normal developments and barbaric corruptions, placed at the head of affairs in season, might have saved Rome from her fate, eliminated the barbaric and assimilated the foreign elements, and preserved Rome as a Christian and republican empire to this day, and saved the civilized world from the ten centuries of barbarism which followed her conquest by the barbarians of the North. But it rarely happens that the real statesmen of a nation are placed at the head of affairs.

Rome did not fall in consequence of the strength of her external enemies, nor through the corruption of private morals and manners, which was never greater than under the first triumvirate. She fell from the want of true statesmanship in her public men, and patriotism in her people. Private virtues and private vices are of the last consequence to individuals, both here and hereafter; but private virtues never saved, private vices never ruined a nation. Edward the Confessor was a saint, and yet he prepared the way for the Norman conquest of England; and France owes infinitely less to St. Louis than to Louis XI., Richelieu, and Napoleon, who, though no saints, were statesmen. What is specially needed in statesmen is public spirit, intelligence, foresight, broad views, manly feelings, wisdom, energy, resolution; and when statesmen with these qualities are placed at the head of affairs, the state, if not already lost, can, however far gone it may be, be recovered, restored, reinvigorated, advanced, and private vice and corruption disappear in the splendor of public virtue. Providence is always present in the affairs of nations, but not to work miracles to counteract the natural effects of the ignorance, ineptness, short-sightedness, narrow views, public stupidity, and imbecility of rulers, because they are irreproachable and saintly in their private characters and relations, as was Henry VI. of England, or, in some respects, Louis XVI. of France. Providence is God intervening through the laws he by his creative act gives to creatures, not their suspension or abrogation. It was the corruption of the statesmen, in substituting the barbaric element for the proper Roman, to which no one contributed more than Constantine, the first Christian

emperor, that was the real cause of the downfall of Rome, and the centuries of barbarism that followed, relieved only by the superhuman zeal and charity of the church to save souls and restore civilization.

But in the constitution of the government, as distinguished from the state, the nation is freer and more truly sovereign. The constitution of the state is that which gives to the people of a given territory political existence, unity, and individuality, and renders it capable of political action. It creates political or national solidarity, in imitation of the solidarity of the race, in which it has its root. It is the providential charter of national existence, and that which gives to each nation its peculiar character, and distinguishes it from every other nation. The constitution of government is the constitution by the sovereign authority of the nation of an agency or ministry for the management of its affairs, and the letter of instructions according to which the agent or minister is to act and conduct the matters intrusted to him. The distinction which the English make between the sovereign and the ministry is analogous to that between the state and the government, only they understand by the sovereign the king or queen, and by the ministry the executive, excluding, or not decidedly including, the legislature and the judiciary. The sovereign is the people as the state or body politic, and as the king holds from God only through the people, he is not properly sovereign, and is to be ranked with the ministry or government. Yet when the state delegates the full or chief governing power to the king, and makes him its sole or principal representative, he may, with sufficient accuracy for ordinary purposes, be called sovereign. Then, understanding by the ministry or government the legislative and judicial, as well as the executive functions, whether united in one or separated into distinct and mutually independent departments, the English distinction will express accurately enough, except for strictly scientific purposes, the distinction between the state and the government.

Still, it is only in despotic states, which are not founded on right, but force, that the king can say, *L'état, c'est moi*, I am the state; and Shakspeare's usage of calling the king of France simply France, and the king of England simply England, smacks of feudalism, under which monarchy is an estate, property, not a public trust. It corresponds to the Scottish usage of calling the proprietor by the name of his

estate. It is never to be forgotten that in republican states the king has only a delegated sovereignty, that the people, as well as God, are above him. He holds his power, as the emperor of the French professes to hold his, by the grace of God and the national will—the only title by which a king or emperor can legitimately hold power.

The king or emperor not being the state, and the government, whatever its form or constitution, being a creature of the state, he can be dethroned, and the whole government even virtually overthrown, without dissolving the state or the political society. Such an event may cause much evil, create much social confusion, and do grave injury to the nation, but the political society *may* survive it; the sovereign remains in the plenitude of his rights, as competent to restore government as he was originally to institute it. When, in 1848, Louis Philippe was dethroned by the Parisian mob, and fled the kingdom, there was in France no legitimate government, for all commissions ran in the king's name; but the organic or territorial people of France, the body politic, remained, and in it remained the sovereign power to organize and appoint a new government. When, on the 2d of December, 1851, the president by a *coup d'état*, suppressed the legislative assembly and the constitutional government, there was no legitimate government standing, and the power assumed by the president was unquestionably a usurpation; but the nation was competent to condone his usurpation and legalize his power, and by a plebiscitum actually did so. The wisdom or justice of the *coup d'état* is another question, about which men may differ; but when the French nation, by its subsequent act, had condoned it, and formally conferred dictatorial powers on the prince-president, the principal had approved the act of his agent, and given him discretionary powers, and nothing more was to be said. The imperial constitution and the election of the president to be emperor, that followed on December 2d, 1852, were strictly legal, and, whatever men may think of Napoleon III., it must be conceded that there is no legal flaw in his title, and that he holds his power by a title as high and as perfect as there is for any prince or ruler.

But the plebiscitum cannot be legally appealed to or be valid when and where there is a legal government existing and in the full exercise of its constitutional functions, as was decided by the supreme court of the United States in a

case growing out of what is known as the Dorr rebellion in Rhode Island. A suffrage committee, having no political authority, drew up and presented a new constitution of government to the people, plead a plebiscitum in its favor, and claimed the officers elected under it as the legally elected officers of the state. The court refused to recognize the plebiscitum, and decided that it knew Rhode Island only as represented through the government, which had never ceased to exist. New states and territories have been organized on the strength of a plebiscitum when the legal territorial government was in force, and were admitted as states into the Union, which, though irregular and dangerous, could be done without revolution, because congress, that admitted them, is the power to grant the permission to organize as states and apply for admission. Congress is competent to condone an offence against its own rights. The real danger of the practice is, that it tends to create a conviction that sovereignty inheres in the people individually, or as population, not as the body politic or organic people attached to a sovereign domain; and the people who organize under a plebiscitum are not, till organized and admitted into the Union, an organic or a political people at all. When Louis Napoleon made his appeal to a vote of the French people, he made an appeal to a people existing as a sovereign people, and a sovereign people without a legal government. In his case the plebiscitum was proper and sufficient, even if it conceded that it was through his own fault that France at the moment was found without a legal government. When a thing is done, though wrongly done, you cannot act as if it were not done, but must accept it as a fact and act accordingly.

The plebiscitum, which is simply an appeal to the people outside of government, is not valid when the government has not lapsed, either by its usurpations or by its dissolution, nor is it valid either in the case of a province, or of a population that has no organic existence as an independent sovereign state. The plebiscitum in France was valid, but in the grand duchy of Tuscany, the duchies of Modena, Parma, and Lucca, and in the kingdom of the Two Sicilies it was not valid, for their legal governments had not lapsed; nor was it valid in the Æmilian provinces of the Papal States, because they were not a nation or a sovereign people, but only a portion of such nation or people. In the case of the states and provinces—except Lombardy, ceded to France by

Austria, and sold to the Sardinian king—annexed to Piedmont to form the new kingdom of Italy, the plebiscitum was invalid, because implying the right of the people to rebel against the legal authority, and to break the unity and individuality of the state of which they form an integral part. The nation is a whole, and no part of it has the right to secede or separate, and set up a government for itself, or annex itself to another state, without the consent of the whole. The solidarity of the nation is both a fact and a law. The secessionists from the United States defended their action only on the ground that the states of the American Union are severally independent sovereign states, and they only obeyed the authority of their respective states.

The plebiscitum, or irregular appeal to what is called universal suffrage, since adopted by Louis Napoleon in France after the *coup d'état*, is becoming not a little menacing to the stability of governments and the rights and integrity of states, and is not less dangerous to the peace and order of society than the "solidarity of peoples" asserted by Kossuth, the revolutionary ex-governor of Hungary, the last stronghold of feudal barbarism in Christian Europe; for Russia has emancipated her serfs.

The nation, as sovereign, is free to constitute government according to its own judgment, under any form it pleases—monarchical, aristocratic, democratic, or mixed—vest all power in an hereditary monarch, in a class or hereditary nobles, in a king and two houses of parliament, one hereditary, the other elective, or both elective; or it may establish a single, dual, or triple executive, make all officers of government hereditary or all elective, and if elective, elective for a longer or a shorter time, by universal suffrage or a select body of electors. Any of these forms and systems, and many others besides, are or may be legitimate, if established and maintained by the national will. There is nothing in the law of God or of nature, antecedently to the national will, that gives any one of them a right to the exclusion of any one of the others. The imperial system in France is as legitimate as the federative system in the United States. The only form or system that is necessarily illegal is the despotic. That can never be a truly civilized government, nor a legitimate government, for God has given to man no dominion over man. He gave men, as St. Augustine says, and Pope St. Gregory the Great repeats,

dominion over the irrational creation, not over the rational, and hence the primitive rulers of men were called pastors or shepherds, not lords. It may be the duty of the people subjected to a despotic government to demean themselves quietly and peaceably towards it, as a matter of prudence, to avoid sedition, and the evils that would necessarily follow an attempted revolution, but not because, founded as it is on mere force, it has itself any right or legality.

All other forms of government are republican in their essential constitution, founded on public right, and hold under God from and for the commonwealth, and which of them is wisest and best for the commonwealth is, for the most part, an idle question. "Forms of government," somebody has said, "are like shoes—that is the best form which best fits the feet that are to wear them." Shoes are to be fitted to the feet, not the feet to the shoes, and feet vary in size and conformation. There is, in regard to government, as distinguished from the state, no antecedent right which binds the people, for antecedently to the existence of the government as a fact, the state is free to adopt any form that it finds practicable, or judges the wisest and best for itself. Ordinarily the form of the government practicable for a nation is determined by the peculiar providential constitution of the territorial people, and a form of government that would be practicable and good in one country may be the reverse in another. The English government is no doubt the best practicable in Great Britain, at present at least, but it has proved a failure wherever else it has been attempted. The American system has proved itself, in spite of the recent formidable rebellion to overthrow it, the best and only practicable government for the United States, but it is impracticable everywhere else, and all attempts by any European or other American state to introduce it can end only in disaster. The imperial system apparently works well in France, but though all European states are tending to it, it would not work well at all on the American continent, certainly not until the republic of the United States has ceased to exist. While the United States remain the great American power, that system, or its kindred system, democratic centralism, can never become an American system, as Maximilian's experiment in Mexico is likely to prove.

Political propagandism, except on the Roman plan, that is, by annexation and incorporation, is as impracticable as it

is wanting in the respect that one independent people owes to another. The old French Jacobins tried to propagate, even with fire and sword, their system throughout Europe, as the only system compatible with the rights of man. The English, since 1688, have been great political propagandists, and at one time it seemed not unlikely that every European state would try the experiment of a parliamentary government, composed of an hereditary crown, an hereditary house of lords, and an elective house of commons. The democratic Americans are also great political propagandists, and are ready to sympathize with any rebellion, insurrection, or movement in behalf of democracy in any part of the world, however mean or contemptible, fierce or bloody it may be; but all this is as unstatesmanlike as unjust; unstatesmanlike, for no form of government can bear transplanting, and because every independent nation is the sole judge of what best comports with its own interests, and its judgment is to be respected by the citizens as well as by the governments of other states. Religious propagandism is a right and a duty, because religion is catholic, and of universal obligation; and so is the *jus gentium* of the Romans, which is only the application to individuals and nations of the great principles of natural justice; but no political propagandism is ever allowable, because no one form of government is catholic in its nature, or of universal obligation.

Thoughtful Americans are opposed to political propagandism, and respect the right of every nation to choose its own form of government; but they hold that the American system is the best in itself, and that if other nations were as enlightened as the American, they would adopt it. But though the American system, rightly understood, is the best, as they hold, it is not because other nations are less enlightened, which is by no means a fact, that they do not adopt, or cannot bear it, but solely because their providential constitutions do not require or admit it, and an attempt to introduce it in any of them would prove a failure and a grave evil.

Fit your shoes to your feet. The law of the governmental constitution is in that of the nation. The constitution of the government must grow out of the constitution of the state, and accord with the genius, the character, the habits, customs, and wants of the people, or it will not work well, or tend to secure the legitimate ends of government. The constitutions imagined by philosophers are for Utopia, not

for any actual, living, breathing people. You must take the state as it is, and develop your governmental constitution from it, and harmonize it with it. Where there is a discrepancy between the two constitutions, the government has no support in the state, in the organic people, or nation, and can sustain itself only by corruption or physical force. A government may be under the necessity of using force to suppress an insurrection or rebellion against the national authority, or the integrity of the national territory, but no government that can sustain itself, not the state, only by physical force or large standing armies, can be a good government, or suited to the nation. It must adopt the most stringent repressive measures, suppress liberty of speech and of conscience, outrage liberty in what it has the most intimate and sacred, and practise the most revolting violence and cruelty, for it can govern only by terror. Such a government is unsuited to the nation.

This is seen in all history: in the attempt of the dictator Sulla to preserve the old patrician government against the plebeian power that time and events had developed in the Roman state, and which was about to gain the supremacy, as we have seen, at Pharsalia, Philippi, and Actium; in the efforts to establish a Jacobinical government in France in 1793; in Rome in 1848, and the government of Victor Emanuel in Naples in 1860 and 1861. These efforts, proscriptions, confiscations, military executions, assassinations, massacres, are all made in the name of liberty, or in defence of a government supposed to guaranty the well-being of the state and the rights of the people. They are rendered inevitable by the mad attempt to force on a nation a constitution of government foreign to the national constitution, or repugnant to the national tastes, interests, habits, convictions, or whole interior life. The repressive policy, adopted to a certain extent by nearly all European governments, grows out of the madness of a portion of the people of the several states in seeking to force upon the nation an anti-national constitution. The sovereigns may not be very wise, but they are wiser, more national, more patriotic than the mad theorists who seek to revolutionize the state and establish a government that has no hold in the national traditions, the national character, or the national life; and the statesman, the patriot, the true friend of liberty sympathizes with the national authorities, not with the mad theorists and revolutionists.

The right of a nation to change its form of government, and its magistrates or representatives, by whatever name called, is incontestable. Hence the French constitution of 1789, which involved that of 1793, was not illegal, for though accompanied by some irregularities, it was adopted by the manifest will of the nation, and consented to by all orders in the state. Not its legality but its wisdom is to be questioned, together with the false and dangerous theories of government which dictated it. There is no compact or mutual stipulation between the state and the government. The state, under God, is sovereign, and ordains and establishes the government, instead of making a contract, a bargain, or covenant, with it. The common democratic doctrine on this point is right, if by people is understood the organic people attached to a sovereign domain, not the people as individuals or as a floating or nomadic multitude. By people in the political sense, Cicero, and St. Augustine after him, understood the people as the republic, organized in reference to the common or public good. With this understanding, the sovereignty persists in the people, and they retain the supreme authority over the government. The powers delegated are still the powers of the sovereign delegating them, and may be modified, altered, or revoked, as the sovereign judges proper. The nation does not, and cannot abdicate or delegate away its own sovereignty, for sovereign it is, and cannot but be, so long as it remains a nation not subjected to another nation.

By the imperial constitution of the French government, the imperial power is vested in Napoleon III., and made hereditary in his family, in the male line of his legitimate descendants. This is legal, but the nation has not parted with its sovereignty or bound itself by contract for ever to a Napoleonic dynasty. Napoleon holds the imperial power "by the grace of God and the will of the nation," which means simply that he holds his authority from God, through the French people, and is bound to exercise it according to the law of God and the national will. The nation is as competent to revoke this constitution as the legislature is to repeal any law it is competent to enact, and in doing so breaks no contract, violates no right, for Napoleon and his descendants hold their right to the imperial throne subject to the national will from which it is derived. In case the nation should revoke the powers delegated, he or they would have no more valid claim to the throne than have the Bour-

bons, whom the nation has unmistakably dismissed from its service.

The only point here to be observed is, that the change must be by the nation itself, in its sovereign capacity; not by a mob, nor by a part of the nation conspiring, intriguing, or rebelling, without any commission from the nation. The first Napoleon governed by a legal title, but he was never legally dethroned, and the government of the Bourbons, whether of the elder branch or the younger, was never a legal government, for the Bourbons had lost their original rights by the election of the first Napoleon, and never afterwards had the national will in their favor. The republic of 1848 was legal, in the sense that the nation acquiesced in it as a temporary necessity; but hardly anybody believed in it or wanted it, and the nation accepted it as a sort of *locum tenens*, rather than willed or ordained it. Its overthrow by the *coup d'état* may not be legally defensible, but the election of Napoleon III. condoned the illegality, if there was any, and gave the emperor a legal title, that no republican, that none but a despot or a no-government man can dispute. As the will of the nation, in so far as it contravenes not the law of God or the law of nature, binds every individual of the nation, no individual or number of individuals has, or can have, any right to conspire against him, or to labor to oust him from his place, till his escheat has been pronounced by the voice of the nation. The state, in its sovereign capacity, willing it, is the only power competent to revoke or to change the form and constitution of the imperial government. The same must be said of every nation that has a lawful government; and this, while it preserves the national sovereignty, secures freedom of progress, condemns all sedition, conspiracy, rebellion, revolution, as does the Christian law itself.

## CHAPTER IX.—THE UNITED STATES.

Sovereignty, under God, inheres in the organic people, or the people as the republic; and every organic people fixed to the soil, and politically independent of every other people, is a sovereign people, and, in the modern sense, an independent sovereign nation.

Sovereign states may unite in an alliance, league, or confederation, and mutually agree to exercise their sovereign powers or a portion of them in common, through a common

organ or agency; but in this agreement they part with none of their sovereignty, and each remains a sovereign state or nation as before. The common organ or agency created by the convention is no state, is no nation, has no inherent sovereignty, and derives all its vitality and force from the persisting sovereignty of the states severally that have united in creating it. The agreement no more affects the sovereignty of the several states entering into it, than does the appointment of an agent affect the rights and powers of the principal. The creature takes nothing from the Creator, exhausts not, lessens not his creative energy, and it is only by his retaining and continuously exerting his creative power that the creature continues to exist.

An independent state or nation may, with or without its consent, lose its sovereignty, but only by being merged in or subjected to another. Independent sovereign states cannot by convention, or mutual agreement, form themselves into a single sovereign state or nation. The compact, or agreement, is made by sovereign states, and binds by virtue of the sovereign power of each of the contracting parties. To destroy that sovereign power would be to annul the compact, and render void the agreement. The agreement can be valid and binding only on condition that each of the contracting parties retains the sovereignty that rendered it competent to enter into the compact, and states that retain severally their sovereignty do not form a single sovereign state or nation. The states in convention cannot become a new and single sovereign state, unless they lose their several sovereignty, and merge it in the new sovereignty; but this they cannot do by agreement, because the moment the parties to the agreement cease to be sovereign, the agreement, on which alone depends the new sovereign state, is vacated, in like manner as a contract is vacated by the death of the contracting parties.

That a nation may voluntarily cede its sovereignty is frankly admitted, but it can cede it only to something or somebody actually existing, for to cede to nothing and not to cede is one and the same thing. They can part with their own sovereignty by merging themselves in another national existence, but not by merging themselves in nothing; and, till they have parted with their own sovereignty, the new sovereign state does not exist. A prince can abdicate his power, because by abdicating he simply gives back to the people the trust he had received from

them; but a nation cannot, save by merging itself in another. An independent state not merged in another, or that is not subject to another, cannot cease to be a sovereign nation, even if it would.

That no sovereign state can be formed by agreement or compact has already been shown in the refutation of the theory of the origin of government in convention, or the so-called social compact. Sovereign states are as unable to form themselves into a single sovereign state by mutual compact as are the sovereign individuals imagined by Rousseau. The convention, either of sovereign states or of sovereign individuals, with the best will in the world, can form only a compact or agreement between sovereigns, and an agreement or compact, whatever its terms or conditions, is only an alliance, a league, or a confederation, which no one can pretend is a sovereign state, nation, or republic.

The question, then, whether the United States are a single sovereign state or nation, or a confederacy of independent sovereign states, depends on the question whether the American people originally existed as one people or as several independent states. Mr. Jefferson maintains that before the convention of 1787 they existed as several independent sovereign states, but that since that convention, or the ratification of the constitution it proposed, they exist as one political people in regard to foreign nations, and several sovereign states in regard to their internal and domestic relations. Mr. Webster concedes that originally the states existed as severally sovereign states, but contends that by ratifying the constitution they have been made one sovereign political people, state, or nation, and that the general government is a supreme national government, though with a reservation in favor of state rights. But both are wrong. If the several states of the Union were severally sovereign states when they met in the convention, they are so now; and the constitution is only an agreement or compact between sovereigns, and the United States are, as Mr. Calhoun maintained, only a confederation of sovereign states, and not a single state or one political community.

But if the sovereignty persists in the states severally, any state, saving its faith, may, whenever it chooses to do so, withdraw from the Union, absolve its subjects from all obligation to the federal authorities, and make it treason in them to adhere to the federal government. Secession is, then, an incontestable right; not a right held under the con-

stitution or derived from the convention, but a right held prior to it, independently of it, inherent in the state sovereignty, and inseparable from it. The state is bound by the constitution of the Union only while she is in it, and is one of the states united. In ratifying the constitution she did not part with her sovereignty, or with any portion of it, any more than France has parted with her sovereignty, and ceased to be an independent sovereign nation, by vesting the imperial power in Napoleon III. and his legitimate heirs male. The principal parts not with his power to his agent, for the agent is an agent only by virtue of the continued power of the principal. Napoleon is emperor by the will of the French people, and governs only by the authority of the French nation, which is as competent to revoke the powers it has conferred on him, when it judges proper, as it was to confer them. The Union exists and governs, if the states are sovereign, only by the will of the state, and she is as competent to revoke the powers she has delegated as she was to delegate them. The Union, as far as she is concerned, is her creation, and what she is competent to make she is competent to unmake.

In seceding or withdrawing from the Union a state may act very unwisely, very much against her own interests and the interests of the other members of the confederacy; but, if sovereign, she in doing so only exercises her unquestionable right. The other members may regret her action, both for her sake and their own, but they cannot accuse her or her citizens of disloyalty in seceding, nor of rebellion, if in obedience to her authority they defend their independence by force of arms against the Union. Neither she nor they, on the supposition, ever owed allegiance to the Union. Allegiance is due from the citizen to the sovereign state, but never from a sovereign state or from its citizens to any other sovereign state. While the state is in the Union the citizen owes obedience to the United States, but only because his state has, in ratifying the federal constitution, enacted that it and all laws and treaties made under it shall be law within her territory. The repeal by the state of the act of ratification releases the citizen from the obligation even of obedience, and renders it criminal for him to yield it without her permission.

It avails nothing, on the hypothesis of the sovereignty of the states as distinguished from that of the United States, to appeal to the language or provisions of the federal con-

stitution. That constitutes the government, not the state or the sovereign. It is ordained by the sovereign, and if the states were severally independent and sovereign states, that sovereign is the states severally, not the states united. The constitution is law for the citizens of a state only so long as the state remains one of the United States. No matter, then, how clear and express the language, or stringent the provisions of the constitution, they bind only the citizens of the states that enact the constitution. The written constitution is simply a compact, and obliges only while the compact is continued by the states, each for itself. The sovereignty of the United States as a single or political people must be established before any thing in the constitution can be adduced as denying the right of secession.

That this doctrine would deprive the general government of all right to enforce the laws of the Union on a state that secedes, or the citizens thereof, is no doubt true; that it would weaken the central power and make the Union a simple voluntary association of states, no better than a rope of sand, is no less true; but what then? It is simply saying that a confederation is inferior to a nation, and that a federal government lacks many of the advantages of a national government. Confederacies are always weak in the centre, always lack unity, and are liable to be dissolved by the influence of local passions, prejudices, and interests. But if the United States are a confederation of states or nations, not a single nation or sovereign state, then there is no remedy.

If the Anglo-American colonies, when their independence of Great Britain was achieved and acknowledged, were severally sovereign states, it has never since been in their power to unite and form a single sovereign state, or to form themselves into one indivisible sovereign nation. They could unite only by mutual agreement, which gives only a confederation, in which each retains its own sovereignty, as two individuals, however closely united, retain each his own individuality. No sovereignty is of conventional origin, and none can emerge from the convention that did not enter it. Either the states are one sovereign people or they are not. If they are not, it is undoubtedly a great disadvantage; but a disadvantage that must be accepted, and submitted to without a murmur.

Whether the United States are one sovereign people or only a confederation is a question of very grave importance.

If they are only a confederation of states—and if they ever were severally sovereign states, only a confederation they certainly are—state secession is an inalienable right, and the government has had no right to make war on the secessionists as rebels, or to treat them, when their military power is broken, as traitors, or disloyal persons. The honor of the government, and of the people who have sustained it, is then deeply compromised.

What then is the fact? Are the United States politically one people, nation, state, or republic, or are they simply independent sovereign states united in close and intimate alliance, league, or federation, by a mutual pact or agreement? Were the people of the United States who ordained and established the written constitution one people, or were they not? If they were not before ordaining and establishing the government, they are not now; for the adoption of the constitution did not and could not make them one. Whether they are one or many is then simply a question of fact, to be decided by the facts in the case, not by the theories of American statesmen, the opinion of jurists, or even by constitutional law itself. The old articles of confederation and the later constitution can serve here only as historical documents. Constitutions and laws presuppose the existence of a national sovereign from which they emanate, and that ordains them, for they are the formal expression of a sovereign will. The nation must exist as an historical fact, prior to the possession or exercise of sovereign power, prior to the existence of written constitutions and laws of any kind, and its existence must be established before they can be recognized as having any legal force or vitality.

The existence of any nation, as an independent sovereign nation, is a purely historical fact, for its right to exist as such is in the simple fact that it does so exist. A nation *de facto* is a nation *de jure*, and when we have ascertained the fact, we have ascertained the right. There is no right in the case separate from the fact—only the fact must be really a fact. A people hitherto a part of another people, or subject to another sovereign, is not in fact a nation, because they have declared themselves independent, and have organized a government, and are engaged in what promises to be a successful struggle for independence. The struggle must be practically over; the former sovereign must have practically abandoned the effort to reduce them to submission, or to bring them back under his authority, and if he

continues it, does it as a matter of mere form; the postulant must have proved its ability to maintain civil government, and to fulfil within and without the obligations which attach to every civilized nation, before it can be recognized as an independent sovereign nation; because before it is not a fact that it is a sovereign nation. The prior sovereign, when no longer willing or able to vindicate his right, has lost it, and no one is any longer bound to respect it, for humanity demands not martyrs to lost causes.

This doctrine may seem harsh, and untenable even, to those sickly philanthropists who are always weeping over extinct or oppressed nationalities; but nationality in modern civilization is a fact, not a right antecedent to the fact. The repugnance felt to this assertion arises chiefly from using the word *nation* sometimes in a strictly political sense, and sometimes in its original sense of tribe, and understanding by it not simply the body politic, but a certain relation of origin, family, kindred, blood, or race. But God has made of one blood, or race, all the nations of men; and, besides, no political rights are founded by the law of nature on relations of blood, kindred, or family. Under the patriarchal or tribal system, and, to some extent, under feudalism, these relations form the basis of government, but they are economical relations rather than civil or political, and, under Christian and modern civilization, are restricted to the household, are domestic relations, and enter not the state or body politic, except by way of reminiscence or abuse. They are protected by the state, but do not found or constitute it. The vicissitudes of time, the revolutions of states and empires, migration, conquest, and intermixture of families and races, have rendered it impracticable, even if it were desirable, to distribute people into nations according to their relations of blood or descent.

There is no civilized nation now existing that has been developed from a common ancestor this side of Adam, and the most mixed are the most civilized. The nearer a nation approaches to a primitive people of pure unmixed blood, the further removed it is from civilization. All civilized nations are political nations, and are founded in the fact, not on rights antecedent to the fact. A hundred or more lost nationalities went to form the Roman empire, and who can tell us how many layers of crushed nationalities, superposed one upon another, serve for the foundation of the present French, English, Russian, Austrian, or Spanish

nationality? What other title to independence and sovereignty, than the fact, can you plead in behalf of any European nation? Every one has absorbed and extingnished —no one can say how many—nationalities, that once had as good a right to be as it has, or can have. Whether those nationalities have been justly extinguished or not, is no question for the statesman; it is the secret of Providence. Failure in this world is not always a proof of wrong; nor success, of right. The good is sometimes overborne, and the bad sometimes triumphs; but it is consoling, and even just, to believe that the good oftener triumphs than the bad.

In the political order, the fact, under God, precedes the law. The nation holds not from the law, but the law holds from the nation. Doubtless the courts of every civilized nation recognize and apply both the law of nature and the law of nations, but only on the ground that they are included, or are presumed to be included, in the national law, or jurisprudence. Doubtless, too, the nation holds from God, under the law of nature, but only by virtue of the fact that it is a nation; and when it is a nation dependent on no other, it holds from God all the rights and powers of any independent sovereign nation. There is no right behind the fact needed to legalize the fact, or to put the nation that is in fact a nation in possession of full national rights. In the case of a new nation, or people, lately an integral part of another people, or subject to another people, the right of the prior sovereign must be extinguished indeed, but the extinction of that right is necessary to complete the fact, which otherwise would be only an initial, inchoate fact, not *un fait accompli*. But that right ceases when its claimant, willingly or unwillingly, formally or virtually, abandons it; and he does so when he practically abandons the struggle, and shows no ability or intention of soon renewing it with any reasonable prospect of success.

The notion of right, independent of the fact as applied to sovereignty, is founded in error. Empty titles to states and kingdoms are of no validity. The sovereignty is, under God, in the nation, and the title and the possession are inseparable. The title of the Palæologi to the Roman empire of the East, of the king of Sicily, the king of Sardinia, or the king of Spain—for they are all claimants—to the kingdom of Jerusalem founded by Godfrey and his crusaders, of the Stuarts to the thrones of England, Ireland, and Scotland, or of the Bourbons to the throne of France, are vacated

and not worth the parchment on which they are engrossed. The contrary opinion, so generally entertained, belongs to barbarism, not to civilization. It is in modern society a relic of feudalism, which places the state in the government, and makes the government a private estate—a private, and not a public right—a right to govern the public, not a right to govern held from or by the public.

The proprietor may be dispossessed in fact of his estate by violence, by illegal or unjust means, without losing his right, and another may usurp it, occupy it, and possess it in fact without acquiring any right or legal title to it. The man who holds the legal title has the right to oust him and reënter upon his estate whenever able to do so. Here, in the economical order, the fact and the right are distinguishable, and the actual occupant may be required to show his title-deeds. Holding sovereignty to be a private estate, the feudal lawyers very properly distinguish between governments *de facto* and governments *de jure*, and argue very logically that violent dispossession of a prince does not invalidate his title. But sovereignty, it has been shown, is not in the government, but in the state, and the state is inseparable from the public domain. The people organized and held by the domain or national territory, are, under God, the sovereign nation, and remain so as long as the nation subsists without subjection to another. The government, as distinguished from the state or nation, has only a delegated authority, governs only by a commission from the nation. The revocation of the commission vacates its title and extinguishes its rights. The nation is always sovereign, and every organic people fixed to the soil, and actually independent of every other, is a nation. There can then be no independent nation *de facto* that is not an independent nation *de jure*, nor *de jure* that is not *de facto*. The moment a people cease to be an independent nation in fact, they cease to be sovereign, and the moment they become in fact an independent nation, they are so of right. Hence in the political order the fact and the right are born and expire together; and when it is proved that a people are in fact an independent nation, there is no question to be asked as to their right to be such nation.

In the case of the United States there is only the question of fact. If they are in fact one people they are so in right, whatever the opinions and theories of statesmen, or even the decisions of courts; for the courts hold from the national

authority, and the theories and opinions of statesmen may be erroneous. Certain it is that the states in the American Union have never existed and acted as severally sovereign states. Prior to independence, they were colonies under the sovereignty of Great Britain, and since independence they have existed and acted only as states united. The colonists, before separation and independence, were British subjects, and whatever rights the colonies had they held by charter or concession from the British crown. The colonists never pretended to be other than British subjects, and the alleged ground of their complaint against the mother country was not that she had violated their natural rights as men, but their rights as British subjects—rights, as contended by the colonists, secured by the English constitution to all Englishmen or British subjects. The denial to them of these common rights of Englishmen they called tyranny, and they defended themselves in throwing off their allegiance to George III., on the ground that he had, in their regard, become a tyrant, and the tyranny of the prince absolves the subject from his allegiance.

In the declaration of independence they declared themselves independent states indeed, but not severally independent. The declaration was not made by the states severally, but by the states jointly, as the United States. They unitedly declared their independence; they carried on the war for independence, won it, and were acknowledged by foreign powers and by the mother country as the *United* States, not as severally independent sovereign states. Severally they have never exercised the full powers of sovereign states; they have had no flag—symbol of sovereignty—recognized by foreign powers, have made no foreign treaties, held no foreign relations, had no commerce foreign or interstate, coined no money, entered into no alliances or confederacies with foreign states or with one another, and in several respects have been more restricted in their powers in the Union than they were as British colonies.

Colonies are initial or inchoate states, and become complete states by declaring and winning their independence; and if the English colonies, now the United States, had separately declared and won their independence, they would unquestionably have become separately independent states, each invested by the law of nature with all the rights and powers of a sovereign nation. But they did not do this. They declared and won their independence jointly, and

have since existed and exercised sovereignty only as states united, or the United States, that is, states sovereign in their union, but not in their separation. This is of itself decisive of the whole question.

But the colonists have not only never exercised the full powers of sovereignty save as citizens of states united, therefore as one people, but they were, so far as a people at all, one people even before independence. The colonies were all erected and endowed with their rights and powers by one and the same national authority, and the colonists were subjects of one and the same national sovereign. Mr. Quincy Adams, who almost alone among our prominent statesmen maintains the unity of the colonial people, adds indeed to their subjection to the same sovereign authority, community of origin, of language, manners, customs, and law. All these, except the last, or common law, may exist without national unity in the modern political sense of the term nation. The English common law was recognized by the colonial courts, and in force in all the colonies, not by virtue of colonial legislation, but by virtue of English authority, as expressed in English jurisprudence. The colonists were under the common law, because they were Englishmen, and subjects of the English sovereign. This proves that they were really one people with the English people, though existing in a state of colonial dependence, and not a separate people having nothing politically in common with them but in the accident of having the same royal person for their king. The union with the mother country was national, not personal, as was the union existing between England and Hanover, or that still existing between the empire of Austria, formerly Germany, and the kingdom of Hungary; and hence the British parliament claimed, and not illegally, the right to tax the colonies for the support of the empire, and to bind them in all cases whatsoever—a claim the colonies themselves admitted in principle by recognizing and observing the British navigation laws. The people of the several colonies being really one people before independence, in the sovereignty of the mother country, must be so still, unless they have since, by some valid act, divided themselves or been divided into separate and independent states.

The king, say the jurists, never dies, and the heralds cry, "The king is dead! Live the king!" Sovereignty never lapses, is never in abeyance, and the moment it ceases in one

people it is renewed in another. The British sovereignty ceased in the colonies with independence, and the American took its place. Did the sovereignty, which before independence was in Great Britain, pass from Great Britain to the states severally, or to the states united? It might have passed to them severally, but did it? There is no question of law or antecedent right in the case, but a simple question of fact, and the fact is determined by determining who it was that assumed it, exercised it, and has continued to exercise it. As to this there is no doubt. The sovereignty as a fact has been assumed and exercised by the United States, the states united, and never by the states separately, or severally. Then as a fact the sovereignty that before independence was in Great Britain, passed on independence to the states united, and reappears in all its vigor in the United States, the only successor to Great Britain known to or recognized by the civilized world.

As the colonial people were, though distributed in distinct colonies, still one people, the people of the United States, though distributed into distinct and mutually independent states, are yet one sovereign people, therefore a sovereign state or nation, and not a simple league or confederacy of nations.

There is no doubt that all the powers exercised by the general government, though embracing all foreign relations and all general interests and relations of all the states, might have been exercised by it under the authority of a mutual compact of the several states, and practically the difference between the compact theory and the national view would be very little, unless in cases like that of secession. On the supposition that the American people are one political people, the government would have the right to treat secession, in the sense in which the seceders understand it, as rebellion, and to suppress it by employing all the physical force at its command; but on the compact theory it would have no such right. But the question now under discussion turns simply on what has been and is the historical fact. Before the states could enter into the compact and delegate sovereign powers to the Union, they must have severally possessed them. It is historically certain that they did not possess them before independence; they did not obtain them by independence, for they did not severally succeed to the British sovereignty, to which they succeeded only as states united. When, then, and by what

means did they or could they become severally sovereign states? The United States having succeeded to the British sovereignty in the Anglo-American colonies, they came into possession of full national sovereignty, and have alone held and exercised it ever since independence became a fact. The states severally succeeding only to the colonies, never held, and have never been competent to delegate sovereign powers.

The old articles of confederation, it is conceded, were framed on the assumption that the states are severally sovereign; but the several states, at the same time, were regarded as forming one nation, and, though divided into separate states, the people were regarded as one people. The legislature of New York, as early as 1782, calls for an essential change in the articles of confederation, as proved to be inadequate to secure the peace, security, and prosperity of "the nation." All the proceedings that preceded and led to the call of the convention of 1787 were based on the assumption that the people of the United States were one people. The states were called *united*, not confederated states, even in the very articles of confederation themselves, and officially the United States were called "the Union." That the united colonies by independence became united states, and formed really one and only one people, was in the thought, the belief, the instinct of the great mass of the people. They acted as they existed through state as they had previously acted through colonial organization, for in throwing off the British authority there was no other organization through which they could act. The states, or people of the states, severally sent their delegates to the congress of the United States, and these delegates adopted the rule of voting in congress by states, a rule that might be revived without detriment to national unity. Nothing was more natural, then, than that congress, composed of delegates elected or appointed by states, should draw up articles of confederation rather than articles of union, in order, if for no other reason, to conciliate the smaller states, and to prevent their jealousy of the larger states, such as Virginia, Massachusetts, and Pennsylvania.

Moreover, the articles of confederation were drawn up and adopted during the transition from colonial dependence to national independence. Independence was declared in 1776, but it was not a fact till 1782, when the preliminary treaty acknowledging it was signed at Paris. Till then the

United States were not an independent nation; they were only a people struggling to become an independent nation. Prior to that preliminary treaty, neither the Union nor the states severally were sovereign. The articles were agreed on in congress in 1777, but they were not ratified by all the states till May, 1781, and in 1782 the movement was commenced in the legislature of New York for their amendment. Till the organization under the constitution ordained by the people of the United States in 1787, and which went into operation in 1789, the United States had in reality only a provisional government, and it was not till then that the national government was definitively organized, and the line of demarcation between the general government and the particular state governments was fixed.

The confederation was an acknowledged failure, and was rejected by the American people, precisely because it was not in harmony with the unwritten or providential constitution of the nation; and it was not in harmony with that constitution precisely because it recognized the states as severally sovereign, and substituted confederation for union. The failure of confederation and the success of union are ample proofs of the unity of the American nation. The instinct of unity rejected state sovereignty in 1787 as it did in 1861. The first and the last attempt to establish state sovereignty have failed, and the failure vindicates the fact that the sovereignty is in the states united, not in the states severally.

## CHAPTER X.—CONSTITUTION OF THE UNITED STATES.

THE constitution of the United States is twofold, written and unwritten, the constitution of the people and the constitution of the government.

The written constitution is simply a law ordained by the nation or people instituting and organizing the government; the unwritten constitution is the real or actual constitution of the people as a state or sovereign community, and constituting them such or such a state. It is providential, not made by the nation, but born with it. The written constitution is made and ordained by the sovereign power, and presupposes that power as already existing and constituted.

The unwritten or providential constitution of the United States is peculiar, and difficult to understand, because incapable of being fully explained by analogies borrowed from

any other state historically known, or described by political philosophers. It belongs to the Græco-Roman family, and is republican as distinguished from despotic constitutions, but it comes under the head of neither monarchical nor aristocratic, neither democratic nor mixed constitutions, and creates a state which is neither a centralized state nor a confederacy. The difficulty of understanding it is augmented by the peculiar use under it of the word *state*, which does not in the American system mean a sovereign community or political society complete in itself, like France, Spain, or Prussia, nor yet a political society subordinate to another political society and dependent on it. The American states are all sovereign states united, but, disunited, are no states at all. The rights and powers of the states are not derived from the United States, nor the rights and powers of the United States derived from the states.

The simple fact is, that the political or sovereign people of the United States exists as united states, and only as united states. The Union and the states are coeval, born together, and can exist only together. Separation is dissolution—the death of both. The United States are a state, a single sovereign state; but this single sovereign state consists in the union and solidarity of states instead of individuals. The Union is in each of the states, and each of the states is in the Union.

It is necessary to distinguish in the outset between the United States and the government of the United States, or the so-called federal government, which the convention refused, contrary to its first intention, to call the *national* government. That government is not a supreme national government, representing all the powers of the United States, but a limited government, restricted by its constitution to certain specific relations and interests. The United States are anterior to that government, and the first question to be settled relates to their internal and inherent providential constitution as one political people or sovereign state. The written constitution, in its preamble, professes to be ordained by "the people of the United States." Who are this people? How are they constituted, or what the mode and conditions of their political existence? Are they the people of the states severally? No; for they call themselves the people of the *United* States. Are they a national people, really existing outside and independently of their organization into distinct and mutually independent states?

No; for they define themselves to be the people of the United *States*. If they had considered themselves existing as states only, they would have said "We, the states," and if independently of state organization, they would have said "We, the people, do ordain," &c.

The key to the mystery is precisely in this appellation *United States*, which is not the name of the country, for its distinctive name is America, but a name expressive of its political organization. In it there are no sovereign people without states, and no states without union, or that are not *united* states. The term *united* is not part of a proper name, but is simply an adjective qualifying *states*, and has its full and proper sense. Hence while the sovereignty is and must be in the states, it is in the states united, not in the states severally, precisely as we have found the sovereignty of the people is in the people collectively or as society, not in the people individually. The life is in the body, not in the members, though the body could not exist if it had no members; so the sovereignty is in the union, not in the states severally; but there could be no sovereign union without the states, for there is no union where there is nothing united.

This is not a theory of the constitution, but the constitutional fact itself. It is the simple historical fact that precedes the law and constitutes the law-making power. The people of the United States are one people, as has already been proved: they were one people, as far as a people at all, prior to independence, because under the same common law and subject to the same sovereign, and have been so since, for as *united* states they gained their independence and took their place among sovereign nations, and as united states they have possessed and still possess the government. As their existence before independence in distinct colonies did not prevent their unity, so their existence since in distinct states does not hinder them from being one people. The states severally simply continue the colonial organizations, and united they hold the sovereignty that was originally in the mother country. But if one people, they are one people existing in distinct state organizations, as before independence they were one people existing in distinct colonial organizations. This is the original, the unwritten, and providential constitution of the people of the United States.

This constitution is not conventional, for it existed be-

fore the people met or could meet in convention. They have not, as an independent sovereign people, either established their union, or distributed themselves into distinct and mutually independent states. The union and the distribution, the unity and the distinction, are both original in their constitution, and they were born United States, as much and as truly so as the son of a citizen is born a citizen, or as every one born at all is born a member of society, the family, the tribe, or the nation. The union and the states were born together, are inseparable in their constitution, have lived and grown up together; no serious attempt till the late secession movement has been made to separate them; and the secession movement, to all persons who knew not the real constitution of the United States, appeared sure to succeed, and in fact would have succeeded if, as the secessionists pretended, the union had been only a confederacy, and the states had been held together only by a conventional compact, and not by a real and living bond of unity. The popular instinct of national unity, which seemed so weak, proved to be strong enough to defeat the secession forces, to trample out the confederacy, and maintain the unity of the nation and the integrity of its domain.

The people can act only as they exist, as they are, not as they are not. Existing originally only as distributed in distinct and mutually independent colonies, they could at first act only through their colonial organizations, and afterward only through their state organizations. The colonial people met in convention, in the person of representatives chosen by colonies, and after independence in the person of representatives chosen by states. Not existing outside of the colonial or state organizations, they could not act outside or independently of them. They chose their representatives or delegates by colonies or states, and called at first their convention a congress; but by an instinct surer than their deliberate wisdom, they called it not the congress of the *confederate*, but of the *united* states, asserting constitutional unity as well as constitutional multiplicity. It is true, in their first attempt to organize a general government, they called the constitution they devised articles of confederation, but only because they had not attained to full consciousness of themselves; and that they really meant union, not confederation, is evident from their adopting, as the official style of the nation or new power, *united*, not *confederate* states.

That the sovereignty vested in the states united, and was represented in some sort by the congress, is evident from the fact that the several states, when they wished to adopt state constitutions in place of colonial charters, felt not at liberty to do so without asking and obtaining the permission of congress, as the elder Adams informs us in his *Diary*, kept at the time; that is, they asked and obtained the equivalent of what has since, in the case of organizing new states, been called an "enabling act." This proves that the states did not regard themselves as sovereign states out of the Union, but as completely sovereign only in it. And this again proves that the articles of confederation did not correspond to the real, living constitution of the people. Even then it was felt that the organization and constitution of a state in the union could be regularly effected only by the permission of congress; and no territory can, it is well known, regularly organize itself as a state, and adopt a state constitution, without an enabling act by congress, or its equivalent.

New states, indeed, have been organized and been admitted into the union without an enabling act of congress; but the case of Kansas, if nothing else, proves that the proceeding is irregular, illicit, invalid, and dangerous. Congress, of course, can condone the wrong and validate the act, but it were better that the act should be validly done, and that there should be no wrong to condone. Territories have organized as states, adopted state constitutions, and instituted state governments under what has been called "squatter sovereignty;" but such sovereignty has no existence, because sovereignty is attached to the domain; and the domain is in the United States. It is the offspring of that false view of popular sovereignty which places it in the people personally or generically, irrespective of the domain, which makes sovereignty a purely personal right, not a right fixed to the soil, and is simply a return to the barbaric constitution of power. In all civilized nations, sovereignty is inseparable from the state, and the state is inseparable from the domain. The will of the people, unless they are a state, is no law, has no force, binds nobody, and justifies no act.

The regular process of forming and admitting new states explains admirably the mutual relation of the union and the several states. The people of a territory belonging to the United States or included in the public domain not yet

erected into a state and admitted into the union, are subjects of the United States, without any political rights whatever, and, though a part of the population, are no part of the sovereign people of the United States. They become a part of that people, with political rights and franchises, only when they are erected into a state, and admitted into the union as one of the United States. They may meet in convention, draw up and adopt a constitution declaring or assuming them to be a state, elect state officers, senators, and representatives in the state legislature, and representatives and senators in congress, but they are not yet a state, and are, as before, under the territorial government established by the general government. It does not exist as a state till recognized by congress and admitted into the union. The existence of the state, and the rights and powers of the people within the state, depend on their being a state in the union, or a state united. Hence a state erected on the national domain, but itself outside of the union, is not an independent foreign state, but simply no state at all, in any sense of the term. As there is no union outside of the states, so is there no state outside of the union; and to be a citizen either of a state or of the United States, it is necessary to be a citizen of a state, and of a state in the union. The inhabitants of territories not yet erected into states are subjects, not citizens—that is, not citizens with political rights. The sovereign people are not the people outside of state organization, nor the people of the states severally, but the distinct people of the several states united, and therefore most appropriately called the people of the United States.

This is the peculiarity of the American constitution, and is substantially the very peculiarity noted and dwelt upon by Mr. Madison in his masterly letter to Edward Everett, published in the "North American Review," October, 1830.

"In order to understand the true character of the constitution of the United States," says Mr. Madison, "the error, not uncommon, must be avoided of viewing it through the medium either of a consolidated government or of a confederated government, whilst it is neither the one nor the other, but a mixture of both. And having, in no model, the similitudes and analogies applicable to other systems of government, it must, more than any other, be its own interpreter, according to its text and *the facts in the case*.

"From these it will be seen that the characteristic peculiarities of the constitution are: 1. The mode of its formation. 2. The division of the

supreme powers of government between the states in their united capacity and the states in their individual capacities.

"1. It was formed not by the governments of the component states, as the federal government, for which it was substituted, was formed; nor was it formed by a majority of the people of the United States as a single community, in the manner of a consolidated government. It was formed by the states; that is, by the people in each of the states, acting in their highest sovereign capacity, and formed subsequently by the same authority which formed the state constitution.

"Being thus derived from the same source as the constitutions of the states, it has within each state the same authority as the constitution of the state, and is as much a constitution in the strict sense of the term, within its prescribed sphere, as the constitutions of the states are within their respective spheres; but with this obvious and essential difference, that, being a compact among the states in their highest capacity, and constituting the people thereof one people for certain purposes, it cannot be altered or annulled at the will of the states individually, as the constitution of a state may be at its individual will.

"2. And that it divides the supreme powers of government between the government of the United States and the governments of the individual states, is stamped on the face of the instrument; the powers of war and of taxation, of commerce and treaties, and other enumerated powers vested in the government of the United States, are of as high and sovereign a character as any of the powers reserved to the state governments."

Mr. Jefferson, Mr. Webster, Chancellor Kent, Judge Story, and nearly all the old Republicans, and even the old Federalists, on the question as to what is the actual constitution of the United States, took substantially the same view; but they all, as well as Mr. Madison himself, speak of the written constitution, which on their theory has and can have only a conventional value. Mr. Madison evidently recognizes no constitution of the people prior to the written constitution, from which the written constitution, or the constitution of the government, derives all its force and vitality. The organization of the American people, which he knew well,—no man better,—and which he so justly characterizes, he supposes to have been deliberately formed by the people themselves, through the convention—not given them by Providence as their original and inherent constitution. But this was merely the effect of the general doctrine which he had adopted, in common with nearly all his contemporaries, of the origin of the state in compact, and may be eliminated from his view of what the constitution actually is, without affecting that view itself.

Mr. Madison lays great stress on the fact that though the constitution of the union was formed by the states, it was formed, not by the governments, but by the people of the several states; but this makes no essential difference, if the people are the people of the states, and sovereign in their severalty, and not in their union. Had it been formed by the state governments with the acquiescence of the people, it would have rested on as high authority as if formed by the people of the state in convention assembled. The only difference is, that if the state ratified it by the legislature, she could abrogate it by the legislature; if in convention, she could abrogate it only in convention. Mr. Madison, following Mr. Jefferson, supposes the constitution makes the people of the several states one people for certain specific purposes, and leaves it to be supposed that in regard to all other matters, or in all other relations, they are sovereign; and hence he makes the government a mixture of a consolidated government and a confederated government, but neither the one nor the other exclusively. Say the people of the United States were one people in all respects, and under a government which is neither a consolidated nor a confederated government, nor yet a mixture of the two, but a government in which the powers of government are divided between a general government and particular governments, each emanating from the same source, and you will have the simple fact, and precisely what Mr. Madison means, when is eliminated what is derived from his theory of the origin of government in compact. It is this theory of the conventional origin of the constitution, and which excludes the providential or real constitution of the people, that has misled him and so many other eminent statesmen and constitutional lawyers.

The convention did not create the union or unite the states, for it was assembled by the authority of the United States who were present in it. The United States or union existed before the convention, as the convention itself affirms in declaring one of its purposes to be "to provide for a *more perfect union.*" If there had been no union, it could not and would not have spoken of providing for a *more perfect* union, but would have stated its purpose to be to create or form a union. The convention did not form the union, nor in fact provide for a more perfect union; it simply provided for the more perfect representation or expression in the general government of the union already existing. The

convention, in common with the statesmen at the time, recognized no unwritten or providential constitution of a people, and regarded the constitution of government as the constitution of the state, and consequently sometimes put the state for the government. In interpreting its language, it is necessary to distinguish between its act and its theory. Its act is law, its theory is not. The convention met, among other things, to organize a government which should more perfectly represent the union of the states than did the government created by the articles of confederation.

The convention, certainly, professes to grant or concede powers to the United States, and to prohibit powers to the states; but it simply puts the state for the government. The powers of the United States are, indeed, grants or trusts, but from God through the law of nature, and are grants, trusts, or powers always conceded to every nation or sovereign people. But none of them are grants from the convention. The powers the convention grants or concedes to the United States are powers granted or conceded by the United States to the general government it assembled to organize and establish, which, as it extends over the whole population and territory of the union, and, as the interests it is charged with relate to all the states in common, or to the people as a whole, is with no great impropriety called the government of the United States, in contradistinction from the state governments, which have each only a local jurisdiction. But the more exact term is, for the one, the general government, and for the others, particular governments, as having charge only of the particular interests of the state; and the two together constitute the government of the United States, or the complete national government; for neither the general government nor the state government is complete in itself. The convention developed a general government, and prescribed its powers, and fixed their limits and extent, as well as the bounds of the powers of the state or particular governments; but they are the United States assembled in convention that do all this, and, therefore, strictly speaking, no powers are conceded to the United States that they did not previously possess. The convention itself, in the constitution it ordained, defines very clearly from whom the general government holds its powers. It holds them, as we have seen, from "the people of the United States;" not the people of the states severally, but of the states united. If it had meant the states severally,

it would have said, We, the states; if it had recognized and meant the population of the country irrespective of its organization into particular states, it would have said simply, We, the people. By saying "We, the people of the United States," it placed the sovereign power where it is, in the people of the states united.

The convention ordains that the powers not conceded to the general government or prohibited to the particular governments, "are reserved to the states respectively, or to the people." But the powers reserved to the states severally are reserved by order of the United States, and the powers not so reserved are reserved to the people. What people? The first thought is that they are the people of the states severally; for the constitution understands by people the state as distinguished from the state government; but if this had been its meaning in this place, it would have said, "are reserved to the states respectively, or to the people" thereof. As it does not say so, and does not define the people it means, it is necessary to understand by them the people called in the preamble "the people of the United States." This is confirmed by the authority reserved to amend the constitution, which certainly is not reserved to the states severally, but necessarily to the power that ordains the constitution—"We, the people of the United States." No power except that which ordains is or can be competent to amend a constitution of government. The particular mode prescribed by the convention in which the constitution of the government may be amended has no bearing on the present argument, because it is prescribed by the states united, not severally, and the power to amend is evidently reserved, not indeed to the general government, but to the United States; for the ratification by any state or territory not in the union counts for nothing. The states united, can, in the way prescribed, give more or less power to the general government, and reserve more or less power to the states individually. The so-called reserved powers are really reserved to the people of the United States, who can make such disposition of them as seems to them good.

The conclusion, then, that the general government holds from the states united, not from the states severally, is not invalidated by the fact that its constitution was completed only by the ratification of the states in their individual capacity. The ratification was made necessary by the will of the people in convention assembled; but the convention

was competent to complete it and put it in force without that ratification, had it so willed. The general practice under the American system is for the convention to submit the constitution it has agreed on to the people, to be accepted or rejected by a plebiscitum; but such submission, though it may be wise and prudent, is not necessary. The convention is held to be the convention of the people, and to be clothed with the full authority of the sovereign people, and it is in this that it differs from the congress or the legislature. It is not a congress of delegates or ministers who are obliged to act under instructions, to report their acts to their respective sovereigns for approval or rejection; it is itself sovereign, and may do whatever the people themselves can do. There is no necessity for it to appeal to a plebiscitum to complete its acts. That the convention, on the score of prudence, is wise in doing so, nobody questions; but the convention is always competent, if it chooses, to ordain the constitution without appeal. The power competent to ordain the constitution is always competent to change, modify, or amend it. That amendments to the constitution of the government can be adopted only by being proposed by a convention of all the states in the union, or by being proposed by a two-thirds vote of both houses of congress, and ratified by three-fourths of the states, is simply a conventional ordinance, which the convention can change at its pleasure. It proves nothing as it stands but the will of the convention.

The term *ratification* itself, because the term commonly used in reference to treaties between sovereign powers, has been seized on, since sometimes used by the convention, to prove that the constitution emanates from the states severally, and is a treaty or compact between sovereign states, not an organic or fundamental law ordained by a single sovereign will; but this argument is inadmissible, because, as we have just seen, the convention is competent to ordain the constitution without submitting it for ratification, and because the convention uses sometimes the word *adopt* instead of the word *ratify*. That the framers of the constitution held it to be a treaty, compact, or agreement among sovereigns, there is no doubt, for they so held in regard to all constitution of government; and there is just as little doubt that they intended to constitute, and firmly believed that they were constituting a real government. Mr. Madison's authority on this point is conclusive. They unques-

tionably regarded the states, prior to the ratification of the constitution they proposed, as severally sovereign, as they were declared to be by the old articles of confederation, but they also believed that all individuals are sovereign prior to the formation of civil society. Yet very few, if any, of them believed that they remained sovereign after the adoption of the constitution; and we may attribute to their belief in the conventional origin of all government,—the almost universal belief of the time among political philosophers,—the little account which they made of the historical facts that prove that the people of the United States were always one people, and that the states never existed as severally sovereign states.

The political philosophers of the present day do not generally accept the theory held by our fathers, and it has been shown in these pages to be unsound and incompatible with the essential nature of government. The statesmen of the eighteenth century believed that the state is derived from the people individually, and held that sovereignty is created by the people in convention. The rights and powers of the state, they held, were made up of the rights held by individuals under the law of nature, and which the individuals surrendered to civil society on its formation. So they supposed that independent sovereign states might meet in convention, mutually agree to surrender a portion of their rights, organize their surrendered rights into a real government, and leave the convention shorn, at least, of a portion of their sovereignty. This doctrine crops out everywhere in the writings of the elder Adams, and is set forth with rare ability by Mr. Webster, in his great speech in the senate against the state sovereignty doctrine of General Hayne and Mr. Calhoun, which won for him the honorable title of Expounder of the Constitution—and expound it he, no doubt, did in the sense of its framers. He boldly concedes that prior to the adoption of the constitution, the people of the United States were severally sovereign states, but by the constitution they were made one sovereign political community or people, and that the states, though retaining certain rights, have merged their several sovereignty in the Union.

The subtile mind of Mr. Calhoun, who did not hold that a state can originate in compact, proved to Mr. Webster that his theory could not stand; that, if the states went into the convention sovereign states, they came out of it sov-

ereign states; and that the constitution they formed could from the nature of the case be only a treaty, compact, or agreement between sovereigns. It could create an agency, but not a government. The sovereign states could only delegate the exercise of their sovereign powers, not the sovereign powers themselves. The states could agree to exercise certain specific powers of sovereignty only in common, but the force and vitality of the agreement depended on the states, parties to the agreement, retaining respectively their sovereignty. Hence, he maintained that sovereignty, after as before the convention, vested in the states severally. Hence state sovereignty, and hence his doctrine that in all cases that cannot come properly before the supreme court of the United States for decision, each state is free to decide for itself, on which he based the right of nullification, or the state veto of acts of congress whose constitutionality the state denies. Mr. Calhoun was himself no secessionist, but he laid down the premises from which secession is the logical deduction; and large numbers of young men, among the most open, the most generous, and the most patriotic in the country, adopted his premises, without being aware of this fact any more than he himself was, and who have been behind none in their loyalty to the Union, and in their sacrifices to sustain it, in the late rebellion.

The formidable rebellion which is now happily suppressed, and which attempted to justify itself by the doctrine of state sovereignty, has thrown, in many minds, new light on the subject, and led them to reëxamine the historical facts in the case from a different point of view, to see if Mr. Calhoun's theory is not as unfounded as he had proved Mr. Webster's theory to be. The facts in the case really sustain neither, and both failed to see it: Mr. Calhoun because he had purposes to accomplish which demanded state sovereignty, and Mr. Webster because he examined them in the distorting medium of the theory or understanding of the statesmen of the eighteenth century. The civil war has vindicated the Union, and defeated the armed forces of the state sovereignty men; but it has not refuted their doctrine, and as far as it has had any effect, it has strengthened the tendency to consolidation or centralism.

But the philosophy, the theory of government, the understanding of the framers of the constitution, must be considered, if the expression will be allowed, as *obiter dicta*, and be judged on their merits. What binds is the thing done,

not the theory on which it was done, or on which the actors explained their work either to themselves or to others. Their political philosophy, or their political theory, may sometimes affect the phraseology they adopt, but forms no rule for interpreting their work. Their work was inspired by and accords with the historical facts in the case, and is authorized and explained by them. The American people were not made one people by the written constitution, as Mr. Jefferson, Mr. Madison, Mr. Webster, and so many others supposed, but were made so by the unwritten constitution, born with and inherent in them.

## CHAPTER XI.—CONSTITUTION OF THE UNITED STATES, CONCLUDED.

PROVIDENCE, or God operating through historical facts, constituted the American people one political or sovereign people, existing and acting in particular communities, organizations, called states. This one people organized as states, meet in convention, frame and ordain the constitution of government, or institute a general government in place of the continental congress; and the same people, in their respective state organizations, meet in convention in each state, and frame and ordain a particular government for the state individually, which in union with the general government, constitutes the complete and supreme government within the states, as the general government, in union with all the particular governments, constitutes the complete and supreme government of the nation or whole country. This is clearly the view taken by Mr. Madison in his letter to Mr. Everett, when freed from his theory of the origin of government in compact.

The constitution of the people as one people, and the distinction at the same time of this one people into particular states, precedes the convention, and is the unwritten constitution, the providential constitution, of the American people or civil society, as distinguished from the constitution of the government, which, whether general or particular, is the ordination of civil society itself. The unwritten constitution is the creation or constitution of the sovereign, and the sovereign providentially constituted constitutes in turn the government, which is not sovereign, but is clothed with just so much and just so little authority as the sovereign wills or ordains.

The sovereign in the republican order is the organic people, or state, and is with us the United States, for with us the organic people exist only as organized into states united, which in their union form one compact and indissoluble whole. That is to say, the organic American people do not exist as a consolidated people or state; they exist only as organized into distinct but inseparable states. Each state is a living member of the one body, and derives its life from its union with the body, so that the American state is one body with many members; and the members, instead of being simply individuals, are states, or individuals organized into states. The body consists of many members, and is one body, because the members are all members of it, and members one of another. It does not exist as separate or distinct from the members, but exists in their solidarity or membership one of another. There is no sovereign people or existence of the United States distinguishable from the people or existence of the particular states united. The people of the United States, the state called the United States, are the people of the particular states united. The solidarity of the members constitutes the unity of the body. The difference between this view and Mr. Madison's is, that while his view supposes the solidarity to be conventional originating and existing in compact, or agreement, this supposes it to be real, living, and prior to the convention, as much the work of Providence as the existence in the human body of the living solidarity of its members. One law, one life, circulates through all the members, constituting them a living organism, binding them in living union, all to each and each to all.

Such is the sovereign people, and so far the original unwritten constitution. The sovereign, in order to live and act, must have an organ through which he expresses his will. This organ, under the American system, is primarily the convention. The convention is the supreme political body, the concrete sovereign authority, and exercises practically the whole sovereign power of the people. The convention persists always, although not in permanent session. It can at any time be convened by the ordinary authority of the government, or, in its failure, by a plebiscitum.

Next follows the government created and constituted by the convention. The government is constituted in such manner, and has such and only such powers, as the convention ordains. The government has, in the strict sense, no

political authority under the American system, which separates the government from the convention. All political questions proper, such as the elective franchise, eligibility, the constitution of the several departments of government, as the legislative, the judicial, and the executive, changing, altering, or amending the constitution of government, enlarging or contracting its powers, in a word, all those questions that arise on which it is necessary to take the immediate orders of the sovereign, belong not to the government, but to the convention; and where the will of the sovereign is not sufficiently expressed in the constitution, a new appeal to the convention is necessary, and may always be had.

The constitution of Great Britain makes no distinction between the convention and the government. Theoretically the constitution of Great Britain is feudal, and there is, properly speaking, no British state; there are only the estates, kings, lords, and commons, and these three estates constitute the parliament, which is held to be omnipotent; that is, has the plenitude of political sovereignty. The British parliament, composed of the three estates, possesses in itself all the powers of the convention in the American constitution, and is at once the convention and the government. The imperial constitution of France recognizes no convention, but clothes the senate with certain political functions, which, in some respects, subjects theoretically the sovereign to his creature. The emperor confessedly holds his power by the grace of God and the will of the nation, which is a clear acknowledgment that the sovereignty vests in the French people as the French state; but the imperial constitution, which is the constitution of the government, not of the state, studies, while acknowledging the sovereignty of the people, to render it nugatory, by transferring it, under various subtle disguises, to the government, and practically to the emperor as chief of the government. The senate, the council of state, the legislative body, and the emperor, are all creatures of the French state, and have properly no political functions, and to give them such functions is to place the sovereign under his own subjects! The real aim of the imperial constitution is to secure despotic power under the guise of republicanism. It leaves and is intended to leave the nation no way of practically asserting its sovereignty but by either a revolution or a plebiscitum, and a plebiscitum is permissible only where there is no regular government.

The British constitution is consistent with itself, but im-

poses no restriction on the power of the government. The French imperial constitution is illogical, inconsistent with itself as well as with the free action of the nation. The American constitution has all the advantages of both, and the disadvantages of neither. The convention is not the government like the British parliament, nor a creature of the state like the French senate, but the sovereign state itself, in a practical form. By means of the convention the government is restricted to its delegated powers, and these, if found in practice either too great or too small, can be enlarged or contracted in a regular, orderly way, without resorting to a revolution or to a plebiscitum. Whatever political grievances there may be, there is always present the sovereign convention competent to redress them. The efficiency of power is thus secured without danger to liberty, and freedom without danger to power. The recognition of the convention, the real political sovereign of the country, and its separation from and independence of the ordinary government, is one of the most striking features of the American constitution.

The next thing to be noted, after the convention, is the constitution of the government by the convention. This constitution, as Mr. Madison well observes, divides the powers conceded by the convention to government between the general government and the particular state governments. Strictly speaking, the government is one, and its powers only are divided and exercised by two sets of agents or ministries. This division of the powers of government could never have been established by the convention if the American people had not been providentially constituted one people, existing and acting through particular state organizations. Here the unwritten constitution, or the constitution written in the people themselves, rendered practicable and dictated the written constitution, or constitution ordained by the convention and engrossed on parchment. It only expresses in the government the fact which preëxisted in the national organization and life.

This division of the powers of government is peculiar to the United States, and is an effective safeguard against both feudal disintegration and Roman centralism. Misled by their prejudices and peculiar interests, a portion of the people of the United States, pleading in their justification the theory of state sovereignty, attempted disintegration, secession, and national independence separate from that of the

United States, but the central force of the constitution was too strong for them to succeed. The unity of the nation was too strong to be effectually broken. No doubt the reaction against secession and disintegration will strengthen the tendency to centralism, but centralism can succeed no better than disintegration has succeeded, because the general government has no *subsistentia*, no *suppositum*, to borrow a philosophical term, outside or independent of the states. The particular governments are stronger, if there be any difference, to protect the states against centralism, than the general government is to protect the union against disintegration; and after swinging for a time too far toward one extreme and then too far toward the other, the public mind will recover its equilibrium, and the government move on in its constitutional path.

Republican Rome attempted to guard against excessive centralism by the tribunitial veto, or by the organization of a negative or obstructive power. Mr. Calhoun thought this admirable, and wished to effect the same end here, where it is secured by other, more effective, and less objectionable means, by a state veto on the acts of congress, by a dual executive, and by substituting concurrent for numerical majorities. Imperial Rome gradually swept away the tribunitial veto, concentrated all power in the hands of the emperor, became completely centralized, and fell. The British constitution seeks the same end by substituting estates for the state, and establishing a mixed government, in which monarchy, aristocracy, and democracy temper, check, or balance each other; but practically the commons estate has become supreme, and the nobility govern not in the house of lords, and can really influence public affairs only through the house of commons. The principle of the British constitution is not the division of the powers of government, but the antagonism of estates, or rather of interests, trusting to the obstructive influence of that antagonism to preserve the government from pure centralism. Hence the study of the British statesman is to manage diverse and antagonistic parties and interests so as to gain the ability to act, which he can do only by intrigue, cajolery, bribery in one form or another, and corruption of every sort. The British government cannot be carried on by fair, honest, and honorable means, any more than could the Roman under the antagonism created by the tribunitial veto. The French tried the English system of organized antagonism in 1789.

as a cure for the centralism introduced by Richelieu and Louis XIV., and again under the restoration and Louis Philippe, and called it the system of constitutional guaranties; but they could never manage it, and they have taken refuge in unmitigated centralism under Napoleon III., who, however well disposed, finds no means in the constitution of the French nation of tempering it. The English system, called the constitutional, and sometimes the parliamentary system, will not work in France, and indeed works really well nowhere.

The American system, sometimes called the federal system, is not founded on antagonism of classes, estates, or interests, and is in no sense a system of checks and balances. It needs and tolerates no obstructive forces. It does not pit section against section, the states severally against the general government, nor the general government against the state governments, and nothing is more hurtful than the attempt to explain it and work it on the principles of British constitutionalism. The convention created no antagonistic powers; it simply divided the powers of government, and gave neither to the general government nor to the state governments all the powers of government, nor in any instance did it give to the two governments jurisdiction in the same matters. Hence each has its own sphere, in which it can move on without colliding with that of the other. Each is independent and complete in relation to its own work, incomplete and dependent on the other for the complete work of government.

The division of power is not between a NATIONAL government and state governments, but between a GENERAL government and particular governments. The general government, inasmuch as it extends to matters common to all the states, is usually called the government of the United States, and sometimes the federal government, to distinguish it from the particular or state governments, but without strict propriety; for the government of the United States, or the federal government, means, in strictness, both the general government and the particular governments, since neither is in itself the complete government of the country. The general government has authority within each of the states, and each of the state governments has authority in the Union. The line between the Union and the states severally, is not precisely the line between the general government and the particular governments. As, for instance, the gen-

eral government lays direct taxes on the people of the states, and collects internal revenue within them; and the citizens of a particular state, and none others, are electors of president and vice-president of the United States, and representatives in the lower house of congress, while senators in congress are elected by the state legislatures themselves.

The line that distinguishes the two governments is that which distinguishes the general relations and interests from the particular relations and interests of the people of the United States. These general relations and interests are placed under the general government, which, because its jurisdiction is coextensive with the Union, is called the government of the United States; the particular relations and interests are placed under particular governments, which, because their jurisdiction is only coextensive with the states respectively, are called state governments. The general government governs supremely all the people of the United States and territories belonging to the Union, in all their general relations and interests, or relations and interests common alike to them all; the particular or state government governs supremely the people of a particular state, as Massachusetts, New York, or New Jersey, in all that pertains to their particular or private rights, relations, and interests. The powers of each are equally sovereign, and neither are derived from the other. The state governments are not subordinate to the general government, nor the general government to the state governments. They are coördinate governments, each standing on the same level, and deriving powers from the same sovereign authority. In their respective spheres neither yields to the other. In relation to the matters within its jurisdiction, each government is independent and supreme in regard of the other, and subject only to the convention.

The powers of the general government are the power—To lay and collect taxes, duties, imposts, and excises, to pay the debts and provide for the general welfare of the United States; to borrow money on the credit of the United States; to regulate commerce with foreign nations, among the several states, and with the Indian tribes; to establish a uniform rule of naturalization, and uniform laws on the subject of bankruptcies throughout the United States; to coin money and regulate the value thereof, and fix the standard of weights and measures; to provide for the punishment of counterfeiting the securities and current coin of the United

States; to establish post-offices and post-roads; to promote the progress of science and useful arts, by securing for limited times to authors and inventors the exclusive right to their respective writings and discoveries; to define and punish piracies and felonies committed on the high seas, and offences against the law of nations; to declare war, grant letters of marque and reprisal, and make rules concerning captures on land and water; to raise and support armies; to provide and maintain a navy; to make rules for the government of the land and naval forces; to provide for calling forth the militia to execute the laws of the union, suppress insurrections, and repel invasions; to provide for organizing, arming, and disciplining the militia, and for governing such part of them as may be employed in the service of the United States; to exercise exclusive legislation in all cases whatsoever over such district, not exceeding ten miles square, as may by cession of particular states and the acceptance of congress, become the seat of the government of the United States, and to exercise a like authority over all places purchased by the consent of the legislature of the state in which the same shall be, for the erection of forts, magazines, arsenals, dock-yards, and other needful buildings; and to make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this constitution in the government of the United States, or in any department or officer thereof.

In addition to these, the general government is clothed with the treaty-making power, and the whole charge of the foreign relations of the country; with power to admit new states into the Union; to dispose of and make all needful rules and regulations concerning the territory and all other property belonging to the United States; to declare, with certain restrictions, the punishment of treason, the constitution itself defining what is treason against the United States; and to propose, or to call, on the application of the legislatures of two-thirds of all the states, a convention for proposing amendments to this constitution; and is vested with supreme judicial power, original or appellate, in all cases of law and equity arising under this constitution, the laws of the United States, and treaties made or to be made under their authority, in all cases affecting ambassadors, other public ministers, and consuls, in all cases of admiralty and maritime jurisdiction, in all controversies to which the United States shall be a party, all controversies between two

or more states, between a state and citizens of another state, between citizens of different states, between citizens of the same state claiming lands under grants of different states, and between a state or the citizens thereof and foreign states, citizens, or subjects.

These, with what is incidental to them, and what is necessary and proper to carry them into effect, are all the positive powers with which the convention vests the general government, or government of the United States, as distinguished from the governments of the particular states; and these, with the exception of what relates to the district in which it has its seat, and places of forts, magazines, &c., are of a general nature, and restricted to the common relations and interests of the people, or at least to interests and relations which extend beyond the limits of a particular state. They are all powers that regard matters which extend beyond not only the individual citizen, but the individual state, and affect alike the relations and interests of all the states, or matters which cannot be disposed of by a state government without the exercise of extra-territorial jurisdiction. They give the government no jurisdiction of questions which affect individuals or citizens only in their private and domestic relations which lie wholly within a particular state. The general government does not legislate concerning private rights, whether of persons or things, the tenure of real estate, marriage, dower, inheritance, wills, the transferrence or transmission of property, real or personal; it can charter no private corporations, out of the District of Columbia, for business, literary, scientific, or eleemosynary purposes, establish no schools, found no colleges or universities, and promote science and the useful arts only by securing to authors and inventors for a time the exclusive right to their writings and discoveries. The United States Bank was manifestly unconstitutional, as probably are the present so-called national banks. The United States Bank was a private or particular corporation, and the present national banks are only corporations of the same sort, though organized under a general law. The pretence that they are established to supply a national currency does not save their constitutionality, for the convention has not given the general government the power nor imposed on it the duty of furnishing a national currency. To coin money, and regulate the value thereof, is something very different from authorizing private companies to issue bank notes, on the

basis of the public stocks held as private property, or even on what is called a specie basis. To claim the power under the general welfare clause would be a simple mockery of good sense. It is no more for the general welfare than any other successful private business. The private welfare of each is, no doubt, for the welfare of all, but not therefore is it the "general welfare," for what is private, particular in its nature, is not and cannot be general. To understand by general welfare that which is for the individual welfare of all or the greater number would be to claim for the general government all the powers of government, and to deny that very division of powers which is the crowning merit of the American system. The general welfare, by the very force of the words themselves, means the common as distinguished from the private or individual welfare. The system of national banks may or may not be a good and desirable system, but it is difficult to understand the constitutional power of the general government to establish it.

On the ground that its powers are general, not particular, the general government has no power to lay a protective tariff. It can lay a tariff for revenue, not for protection of home manufactures or home industry; for the interests fostered, even though indirectly advantageous to the whole people, are in their nature private or particular, not general interests, and chiefly interests of private corporations and capitalists. Their incidental or even consequential effects do not change their direct and essential nature. So with domestic slavery. Slavery comes under the head of private rights, whether regarded on the side of the master or on the side of the slave. The right of a citizen to hold a slave, if a right at all, is the private right of property, and the right of the slave to his freedom is a private and personal right, and neither is placed under the safeguard of the general government, which has nowhere, unless in the District of Columbia and the places over which it has exclusive legislative power in all cases whatsoever, either the right to establish it or to abolish it, except perhaps under the war power, as a military necessity, an indemnity for the past, or a security for the future.

This applies to what are called territories as well as to the states. The right of the government to govern the territories in regard to private and particular rights and interests, is derived from no express grant of power, and is held only *ex necessitate*—the United States owning the domain, and

there being no other authority competent to govern them. But, as in the case of all powers held *ex necessitate*, the power is restricted to the absolute necessity in the case. What are called territorial governments, to distinguish them from the state governments, are only provisional governments, and can touch private rights and interests no further than is necessary to preserve order and prepare the way for the organization and installation of a regular state government. Till then the law governing private rights is the law that was in force, if any such there was, when the territory became by purchase, by conquest, or by treaty, attached to the domain of the United States.

Hence the supreme court declared unconstitutional the ordinance of 1787, prohibiting slavery in what was called the territory of the Northwest, and the so-called Missouri compromise, prohibiting slavery north of the parallel 36° 30′. The Wilmot proviso was for the same reason unconstitutional. The general government never had and has not any power to exclude slavery from the territories, any more than to abolish it in the states. But slavery being a local institution, sustained neither by the law of nature nor the law of nations, no citizen migrating from a slave state could carry his slaves with him, and hold them as slaves in the territory. Rights enacted by local law are rights only in that locality, and slaves carried by their masters into a slave state even, are free, unless the state into which they are carried enacts to the contrary. The only persons that could be held as slaves in a territory would be those who were slaves or the children of those who were slaves in the territory when it passed to the United States. The whole controversy on slavery in the territories, and which culminated in the civil war, was wholly unnecessary, and never could have occurred had the constitution been properly understood and adhered to by both sides. True, congress could not exclude slavery from the territory, but neither could citizens migrating to them hold slaves in them; and so really slavery was virtually excluded, for the inhabitants in nearly all of them, not emigrants from the states after the cession to the United States, were too few to be counted.

The general government has power to establish a uniform rule of naturalization, to which all the states must conform, and it was very proper that it should have this power, so as to prevent one state from gaining by its naturalization laws an undue advantage over another; but the general govern-

ment has itself no power to naturalize a single foreigner, or in any case to say who shall or who shall not be citizens, either of a state or of the United States, or to declare who may or may not be electors even of its own officers. The convention ordains that members of the house of representatives shall be chosen by electors who have the qualifications requisite for electors of the most numerous branch of the state legislature, but the state determines these qualifications, and who do or do not possess them; that the senators shall be chosen by the state legislatures, and that the electors of president and vice-president shall be appointed in such manner as the respective state legislatures may direct. The whole question of citizenship, what shall or shall not be the qualifications of electors, who shall or shall not be freemen, is reserved to the states, as coming under the head of personal or private rights and franchises. In practice, the exact line of demarcation may not always have been strictly observed either by the general government or by the state governments; but a careful study of the constitution cannot fail to show that the division of powers is the division or distinction between the public and general relations and interests, rights and duties of the people, and their private and particular relations and interests, rights and duties. As these two classes of relations and interests, rights and duties, though distinguishable, are really inseparable in nature, it follows that the two governments are essential to the existence of a complete government, or to the existence of a real government in its plenitude and integrity. Left to either alone, the people would have only an incomplete, an initial, or inchoate government. The general government is the complement of the state governments, and the state governments are the complement of the general government.

The consideration of the powers denied by the convention to the general government and to the state governments respectively, will lead to the same conclusion. To the general government is denied expressly or by necessary implication all jurisdiction in matters of private rights and interests, and to the state government is denied all jurisdiction in rights or interests which extend, as has been said, beyond the boundaries of the state. "No state shall enter into any treaty, alliance, or confederation; grant letters of marque and reprisal; coin money, emit bills of credit, make any thing but gold and silver coin a tender in the payment of debts; pass any bill of attainder, *ex post facto* law, or law

impairing the obligation of contracts, or grant any title of nobility. No state shall, without the consent of the congress, lay any imposts or duties on imports or exports, except what may be absolutely necessary for executing its inspection laws, and the net produce of all duties and imposts laid by any state on imports and exports shall be for the use of the treasury of the United States, and all such laws shall be subject to the revision and control of the congress. No state shall, without the consent of congress, lay any duty of tonnage, keep troops or ships-of-war in time of peace, enter into any agreement or compact with another state or with a foreign power, or engage in war, unless actually invaded, or in such imminent danger as will not admit of delay."

The powers denied to the states in some matters which are rather private and particular, such as bills of attainder, *ex post facto* laws, laws impairing the obligation of contracts, granting titles of nobility, are denied equally to the general government. There is evidently a profound logic in the constitution, and there is not a single provision in it that is arbitrary, or anomalous, or that does not harmonize dialectically with the whole, and with the real constitution of the American people. At first sight the reservation to the state of the appointment of the officers of the militia might seem an anomaly; but as the whole subject of internal police belongs to the state, it should have some military force at its command. The subject of bankruptcies, also, might seem to be more properly within the province of the state, and so it would be if commerce between the several states had not been placed under congress, or if trade were confined to the citizens of the state and within its boundaries; but as such is not the case, it was necessary to place it under the general government, in order that laws on the subject might be uniform throughout the Union, and that the citizens of all the states, and foreigners trading with them, should be placed on an equal footing, and have the same remedies. The subject follows naturally in the train of commerce, for bankruptcies, as understood at the time, were confined to the mercantile class, bankers, and brokers; and since the regulation of commerce, foreign and inter-state, was to be placed under the sole charge of the general government, it was necessary that bankruptcy should be included. The subject of patents is placed under the general government, though the patent is a private right, because it was the will

of the convention that the patent should be good in all the states, as affording more encouragement to science and the useful arts than if good only within a single state, or if the power were left to each state to recognize or not patents granted by another. The right created, though private in its nature, is yet general or common to all the states in its enjoyment or exercise.

The division of the powers of government between a general government and particular governments, rendered possible and practicable by the original constitution of the people themselves, as one people existing and acting through state organizations, is the American method of guarding against the undue centralism to which Roman imperialism inevitably tends; and it is far simpler and more effective than any of the European systems of mixed governments, which seek their end by organizing an antagonism of interests or classes. The American method demands no such antagonism, no neutralizing of one social force by another, but avails itself of all the forces of society, organizes them dialectically, not antagonistically, and thus protects with equal efficiency both public authority and private rights. The general government can never oppress the people as individuals, or abridge their private rights or personal freedom and independence, because these are not within its jurisdiction, but are placed in charge, within each state, of the state government, which, within its sphere, governs as supremely as the general government: the state governments cannot weaken the public authority of the nation or oppress the people in their general rights and interests, for these are withdrawn from state jurisdiction, and placed under charge of a general government, which, in its sphere, governs as supremely as the state government. There is no resort to a system of checks and balances; there is no restraint on power, and no systematic distrust of power, but simply a division of powers between two coördinate governments, distinct but inseparable, moving in distinct spheres, but in the same direction, or to a common end. The system is no invention of man, is no creation of the convention, but is given us by Providence in the living constitution of the American people. The merit of the statesmen of 1787 is that they did not destroy or deface the work of Providence, but accepted it, and organized the government in harmony with the real order, the real elements given them. They suffered themselves in all their positive substantial work to

be governed by reality, not by theories and speculations. In this they proved themselves statesmen, and their work survives; and the republic, laugh as sciolists may, is, for the present and future, the model republic—as much so as was Rome in her day; and it is not simply national pride nor American self-conceit that pronounces its establishment the beginning of a new and more advanced order of civilization; such is really the fact.

The only apparently weak point in the system is in the particular states themselves. Feudalism protected the feudal aristocracy effectively for a time against both the king and the people, but left the king and the people without protection against the aristocracy, and hence it fell. It was not adequate to the wants of civil society, did not harmonize all social elements, and protect all social and individual rights and interests, and therefore could not but fail. The general government takes care of public authority and rights; the state protects private rights and personal freedom as against the general government: but what protects the citizens in their private rights, their personal freedom and independence, against the particular state government? Universal suffrage, answers the democrat. Armed with the ballot, more powerful than the sword, each citizen is able to protect himself. But this is theory, not reality. If it were true, the division of the powers of government between two coördinate governments would be of no practical importance. Experience does not sustain the theory, and the power of the ballot to protect the individual may be rendered ineffective by the tyranny of party. Experience proves that the ballot is far less effective in securing the freedom and independence of the individual citizen than is commonly pretended. The ballot of an isolated individual counts for nothing. The individual, though armed with the ballot, is as powerless, if he stands alone, as if he had it not. To render it of any avail he must associate himself with a party, and look for his success in the success of his party; and to secure the success of his party, he must give up to it his own private convictions and free will. In practice, individuals are nothing individually, and parties are every thing. Even the suppression of the late rebellion, and the support of the administration in doing it, was made a party question, and the government found the leaders of the party opposed to the Republican party an obstacle hardly less difficult to surmount than the chiefs of the armies of the so-called Confederate States.

Parties are formed, one hardly knows how, and controlled, no one knows by whom; but usually by demagogues, men who have some private or personal purposes, for which they wish, through party, to use the government. Parties have no conscience, no responsibility, and their very reason of being is the usurpation and concentration of power. The real practical tendency of universal suffrage is to democratic, instead of an imperial, centralism. What is to guard against this centralism? Not universal suffrage, for that tends to create it; and if the government is left to it, the government becomes practically the will of an ever-shifting and irresponsible majority. Is the remedy in written or paper constitutions? Party can break through them, and by making the judges elective by party, for short terms, and reëligible, can do so with impunity. In several of the states, the dominant majority have gained the power to govern at will, without any let or hindrance. Besides, constitutions can be altered, and have been altered, very nearly at the will of the majority. No mere paper constitutions are any protection against the usurpations of party, for party will always grasp all the power it can.

Yet the evil is not so great as it seems, for in most of the states the principle of division of powers is carried into the bosom of the state itself; in some states further than in others, but in all it obtains to some extent. In what are called the New-England states, the best-governed portion of the union, each town is a corporation, having important powers and the charge of all purely local matters—chooses its own officers, manages its own finances, takes charge of its own poor, of its own roads and bridges, and of the education of its own children. Between these corporations and the state government are the counties, that take charge of another class of interests, more general than those under the charge of the town, but less general than those of the state. In the great central and northwestern states the same system obtains, though less completely carried out. In the southern and southwestern states, the town corporations hardly exist, and the rights and interests of the poorer classes of persons have been less well protected in them than in the northern and eastern states. But with the abolition of slavery, and the lessening of the influence of the wealthy slaveholding class, with the return of peace and the revival of agricultural, industrial, and commercial prosperity, the New-England system, in its main features, is pretty sure to

be gradually introduced, or developed, and the division of powers in the state to be as effectively and as systematically carried out as it is between the general government and the particular or state governments. So, though universal suffrage, good as far as it goes, is not alone sufficient, the division of powers affords with it a not inadequate protection.

No government, whose workings are intrusted to men, ever is or can be practically perfect—secure all good, and guard against all evil. In all human governments there will be defects and abuses, and he is no wise man who expects perfection from imperfection. But the American constitution, taken as a whole, and in all its parts, is the least imperfect that has ever existed, and under it individual rights, personal freedom and independence, as well as public authority or society, are better protected than under any other; and as the few barbaric elements retained from the feudal ages are eliminated, the standard of education elevated, and the whole population americanized, moulded by and to the American system, it will be found to effect all the good, with as little of the evil, as can be reasonably expected from any possible civil government or political constitution of society.

## CHAPTER XII.—SECESSION.

The doctrine that a state has a right to secede and carry with it its population and domain, has been effectually put down, and the unity and integrity of the United States as a sovereign nation have been effectively asserted on the battle-field; but the secessionists, though disposed to submit to superior force, and demean themselves henceforth as loyal citizens, most likely hold as firmly to the doctrine as before finding themselves unable to reduce it to practice, and the Union victory will remain incomplete till they are convinced in their understandings that the Union has the better reason as well as the superior military resources. The nation has conquered their bodies, but it is hardly less important for our statesmen to conquer their minds and win their hearts.

The right of secession is not claimed as a revolutionary right, or even as a conventional right. The secessionists disclaim revolutionary principles, and hold that the right of secession is anterior to the convention, a right which the

convention could neither give nor take away, because inherent in the very conception of a sovereign state. Secession is simply the repeal by the state of the act of accession to the Union; and as that act was a free, voluntary act of the state, she must always be free to repeal it. The Union is a copartnership; a state in the Union is simply a member of the firm, and has the right to withdraw when it judges it for its interest to do so. There is no power in a firm to compel a copartner to remain a member any longer than he pleases. He is undoubtedly holden for the obligations contracted by the firm while he remains a member; but for none contracted after he has withdrawn and given due notice thereof.

So of a sovereign state in the Union. The Union itself, apart from the sovereign states that compose it, is a mere abstraction, a nullity, and binds nobody. All its substance and vitality are in the agreement by which the states constitute themselves a firm or copartnership, for certain specific purposes, and for which they open an office and establish an agency under express instructions for the management of the general affairs of the firm. The state is held jointly and severally for all the legal obligations of the Union, contracted while she is in it, but no further; and is free to withdraw when she pleases, precisely as an individual may withdraw from an ordinary business firm. The remaining copartners have no right of compulsion or coercion against the seceding member, for he, saving the obligations already contracted, is as free to withdraw as they are to remain.

The population is fixed to the domain, and goes with it; the domain is attached to the state, and secedes in the secession of the state. Secession, then, carries the entire state, government, people, and domain, out of the Union, and restores *ipso facto* the state to its original position of a sovereign state, foreign to the United States. Being an independent sovereign state, she may enter into a new confederacy, form a new copartnership, or merge herself in some other foreign state, as she judges proper or finds opportunity. The states that seceded formed among themselves a new confederacy, more to their mind than the one formed in 1787, as they had a perfect right to do, and in the war just ended they were not rebels nor revolutionists, but a people fighting for the right of self-government, loyal citizens and true patriots defending the independence and inviolability of their country against foreign invaders. They

are to be honored for their loyalty and patriotism, and not branded as rebels and punished as traitors.

This is the secession argument, which rests on no assumption of revolutionary principles or abstract rights of man, and on no allegation of real or imaginary wrongs received from the Union, but simply on the original and inherent rights of the several states as independent sovereign states. The argument is conclusive, and the defence complete, if the Union is only a firm or copartnership, and the sovereignty vests in the states severally. The refutation of the secessionists is in the facts adduced that disprove the theory of state sovereignty, and prove that the sovereignty vests not in the states severally, but in the states united, or that the Union is sovereign, and not the states individually. The Union is not a firm, a copartnership, nor an artificial or conventional union, but a real, living, constitutional union, founded in the original and indissoluble unity of the American people, as one sovereign people. There is, indeed, no such people, if we abstract the states, but there are no states if we abstract this sovereign people or the Union. There is no Union without the states, and there are no states without the Union. The people are born states, and the states are born United States. The Union and the states are simultaneous, born together, and enter alike into the original and essential constitution of the American state. This the facts and reasonings adduced fully establish.

But this one sovereign people that exists only as organized into states does not necessarily include the whole population or territory included within the jurisdiction of the United States. It is restricted to the people and territory or domain organized into states in the Union, as in ancient Rome the ruling people were restricted to the tenants of the sacred territory, which had been surveyed, and its boundaries marked by the god Terminus, and which by no means included all the territory held by the city, and of which she was both the private proprietor and the public sovereign. The city had vast possessions acquired by confiscation, by purchase, by treaty, or by conquest, and in reference to which her celebrated agrarian laws were enacted, and which have their counterpart in our homestead and kindred laws. In this class of territory, of which the city was the private owner, was the territory of all the Roman provinces, which was held to be only leased to its occupants, who were often dispossessed, and their lands given as a recompense by the

consul or imperator to his disbanded legionaries. The provincials were subjects of Rome, but formed no part of the Roman people, and had no share in the political power of the state, till at a late period the privileges of Roman citizens were extended to them, and the Roman people became coextensive with the Roman empire. So the United States have held and still hold large territorial possessions, acquired by the acknowledgment of their independence by Great Britain, the former sovereign, the cession of particular states, and purchase from France, Spain, and Mexico. Till erected into states and admitted into the Union, this territory, with its population, though subject to the United States, makes no part of the political or sovereign territory and people of the United States. It is *under* the Union, not *in* it, as is indicated by the phrase admitting *into* the Union—a legal phrase, since the constitution ordains that "new states may be *admitted* by the Congress *into* this Union."

There can be no secession that separates a state from the national domain, and withdraws it from the territorial sovereignty or jurisdiction of the United States; yet what hinders a state from going out of the Union in the sense that it comes into it, and thus ceasing to belong to the *political* people of the United States?

If the view of the constitution taken in the preceding chapters be correct, and certainly no facts tend to disprove it, the accession of a territory as a state in the Union is a free act of the territorial people. The territory cannot organize and apply for admission as a state, without what is called an "enabling act" of congress, or its equivalent; but that act is permissive, not mandatory, and nothing obliges the territory to organize under it and apply for admission. It may do so or not, as it chooses. What, then, hinders the state once in the Union from going out or returning to its former condition of territory subject to the Union? The original states did not need to come in under an enabling act, for they were born states in the Union, and were never territory outside of the Union and subject to it. But they and the new states, adopted or naturalized states, once in the Union, stand on a footing of perfect equality, and the original states are no more and no less bound than they to remain states in the Union. The ratification of the constitution by the original states was a free act, as much so as the accession of a new state formed from territory subject

to the Union is a free act, and a free act is an act which one is free to do or not to do, as he pleases. What a state is free to do or not to do, it is free to undo, if it chooses. There is nothing in either the state constitution or in that of the United States that forbids it.

This is denied. The population and domain are inseparable in the state; and if the state could take itself out of the Union, it would take them out, and be *ipso facto* a sovereign state foreign to the Union. It would take the domain and the population out of the Union, it is conceded and even maintained, but not therefore would it take them out of the jurisdiction of the Union, or would they exist as a state foreign to the Union; for population and territory may coexist, as Dakota, Colorado, or New Mexico, out of the Union, and yet be subject to the Union, or within the jurisdiction of the United States.

But the Union is formed by the surrender by each of the states of its individual sovereignty, and each state by its admission into the Union surrenders its individual sovereignty, or binds itself by a constitutional compact to merge its individual sovereignty in that of the whole. It then cannot cease to be a state in the Union without breach of contract. Having surrendered its sovereignty to the Union, or bound itself by the constitution to exercise its original sovereignty only as one of the United States, it can unmake itself of its state character, only by consent of the United States, or by a successful revolution. It is by virtue of this fact that secession is rebellion against the United States, and that the general government, as representing the Union, has the right and the duty to suppress it by all the forces at its command.

There can be no rebellion where there is no allegiance. The states in the Union cannot owe allegiance to the Union, for they are it, and for any one to go out of it is no more an act of rebellion than it is for a king to abdicate his throne. The Union is not formed by the surrender to it by the several states of their respective individual sovereignty. Such surrender could, as we have seen, form only an alliance, or a confederation, not one sovereign people; and from an alliance, or confederation, the ally or confederate has, saving its faith, the inherent right to secede. The argument assumes that the states were originally each in its individuality a sovereign state, but by the convention which framed the constitution, each surrendered its sovereignty to

the whole, and thus several sovereign states became one sovereign political people, governing in general matters through the general government, and in particular matters through particular or state governments. This is Mr. Madison's theory, and also Mr. Webster's; but it has been refuted in the refutation of the theory that makes government originate in compact. A sovereign state can, undoubtedly, surrender its sovereignty, but can surrender it only to something or somebody that really exists; for to surrender to no one or to nothing is, as has been shown, the same thing as not to surrender at all; and the union, being formed only by the surrender, is nothing prior to it, or till after it is made, and therefore can be no recipient of the surrender.

Besides, the theory is the reverse of the fact. The state does not surrender or part with its sovereignty by coming into the union, but acquires by it all the rights it holds as a state. Between the original states and the new states there is a difference of mode by which they become states in the Union, but none in their powers, or the tenure by which they hold them. The process by which new states are actually formed and admitted into the Union, discloses at once what it is that is gained or lost by admission. The domain and population, before the organization of the territory into one of the United States, are subject to the United States, inseparably attached to the domain of the Union, and under its sovereignty. The territory so remains, organized or unorganized, under a territorial government created by congress. Congress, by an enabling act, permits it to organize as a state, to call a convention to form a state constitution, to elect under it, in such way as the convention ordains, state officers, a state legislature, and, in the way prescribed by the constitution of the United States, senators and representatives in congress. Here is a complete organization as a state, yet, though called a state, it is no state at all, and is simply territory, without a single particle of political power. To be a state it must be recognized and admitted by congress as a state in the Union, and when so recognized and admitted it possesses, in union with the other United States, supreme political sovereignty, jointly in all general matters, and individually in all private and particular matters.

The territory gives up no sovereign powers by coming into the Union, for before it came into the Union it had no sovereignty, no political rights at all. All the rights and

powers it holds are held by the simple fact that it has become a state in the Union. This is as true of the original states as of the new states; for it has been shown in the chapter on *The United States*, that the original British sovereignty under which the colonies were organized and existed passed, on the fact of independence, to the states united, and not to the states severally. Hence if nine states had ratified the constitution, and the other four had stood out, and refused to do it, which was within their competency, they would not have been independent sovereign states, outside of the Union, but territories under the Union.

Texas forms the only exception to the rule that the states have never been independent of the Union. All the other new states have been formed from territory subject to the Union. This is true of all the states formed out of the territory of the Northwest, and out of the domain ceded by France, Spain, and Mexico to the United States. All these cessions were held by the United States as territory immediately subject to the Union, before being erected into states; and by far the larger part is so held even yet. But Texas was an independent foreign state, and was annexed as a state without having been first subjected as territory to the United States. It of course lost by annexation its separate sovereignty. But this annexation was held by many to be unconstitutional; it was made when the state sovereignty theory had gained possession of the government, and was annexed as a state instead of being admitted as a state formed from territory belonging to the United States, for the very purpose of committing the nation to that theory. Its annexation was the prologue, as the Mexican war was the first act in the secession drama, and as the epilogue is the suppression of the rebellion on Texan soil. Texas is an exceptional case, and forms no precedent, and cannot be adduced as invalidating the general rule. Omitting Texas, the simple fact is, the states acquire all their sovereign powers by being states in the Union, instead of losing or surrendering them.

Our American statesmen have overlooked or not duly weighed the facts in the case, because, holding the origin of government in compact, they felt no need of looking back of the constitution to find the basis of that unity of the American people which they assert. Neither Mr. Madison nor Mr. Webster felt any difficulty in asserting it as created by the convention of 1787, or in conceding the

sovereignty of the states prior to the Union, and denying its existence after the ratification of the constitution. If it were not that they held that the state originates in convention or the social compact, there would be unpardonable presumption on the part of the present writer in venturing to hazard an assertion contrary to theirs. But, if their theory was unsound, their practical doctrine was not; for they maintained that the American people are one sovereign people, and Mr. Quincy Adams, an authority inferior to neither, maintained that they were always one people, and that the states hold from the Union, not the Union from the states. The states without the Union cease to exist as political communities: the Union without the states ceases to be a union, and becomes a vast centralized and consolidated state, ready to lapse from a civilized into a barbaric, from a republican to a despotic nation.

The state, under the American system, as distinguished from territory, is not in the domain and population fixed to it, nor yet in its exterior organization, but solely in the political powers, rights, and franchises which it holds from the United States, or as one of the United States. As these are rights, not obligations, the state may resign or abdicate them and cease to be a state, on the same principle that any man may abdicate or forego his rights. In doing so, the state breaks no oath of allegiance, fails to fulfil no obligation she contracted as a state; she simply foregoes her political rights and franchises. So far, then, secession is possible, feasible, and not unconstitutional or unlawful. But it is, as Mr. Sumner and others have maintained, simply state suicide. Nothing hinders a state from committing suicide, if she chooses, any more than there was something which compelled the territory to become a state in the Union against its will.

It is objected to this conclusion that the states were, prior to the Union, independent sovereign states, and secession would not destroy the state, but restore it to its original sovereignty and independence, as the secessionists maintain. Certainly, if the states were, prior to the Union, sovereign states; but this is precisely what has been denied and disproved; for prior to the Union there were no states. Secession restores, or reduces, rather, the state to the condition it was in before its admission into the Union; but that condition is that of territory, or a territory subject to the United States, and not that of an independent sovereign

state. The state holds all its political rights and powers in the Union from the Union, and has none out of it, or in the condition in which its population and domain were before being a state in the Union.

State suicide, it has been urged, releases its population and territory from their allegiance to the Union, and as there is no rebellion where there is no allegiance, resistance by its population and territory to the Union, even war against the Union, would not be rebellion, but the simple assertion of popular sovereignty. This is only the same objection in another form. The lapse of the state releases the population and territory from no allegiance to the Union; for their allegiance to the Union was not contracted by their becoming a state, and they have never in their state character owed allegiance to the United States. A state owes no allegiance to the United States, for it is one of them, and is jointly sovereign. The relation between the United States and the state is not the relation of suzerain and liegeman or vassal. A state owes no allegiance, for it is not subject to the Union; it is never in their state capacity that its population and territory do or can rebel. Hence, the government has steadily denied that, in the late rebellion, any state as such rebelled.

But as a state cannot rebel, no state can go out of the Union; and therefore no state in the late rebellion has seceded, and the states that passed secession ordinances are and all along have been states in the Union. No state can rebel, but it does not follow therefrom that no state can secede or cease to exist as a state: it only follows that secession, in the sense of state suicide, or the abdication by the state of its political rights and powers, is not rebellion. Nor does it follow from the fact that no state has rebelled, that no state has ceased to be a state; or that the states that passed secession ordinances have been all along states in the Union.

The secession ordinances were illegal, unconstitutional, not within the competency of the state, and therefore null and void from the beginning. Unconstitutional, illegal, and not within the competency of the state, so far as intended to alienate any portion of the national domain and population thereto annexed, they certainly were, and so far were void and of no effect; but so far as intended to take the state simply as a state out of the Union, they were within the competency of the state, were not illegal or unconstitu-

tional, and therefore not null and void. Acts unconstitutional in some parts and constitutional in others are not wholly void. The unconstitutionality vitiates only the unconstitutional parts; the others are valid, are law, and recognized and enforced as such by the courts.

The secession ordinances are void because they were never passed by the people of the state, but by a faction that overawed them and usurped the authority of the state. This argument implies that, if a secession ordinance is passed by the people proper of the state, it is valid; which is more than they who urge it against the state suicide doctrine are prepared to concede. But the secession ordinances were in every instance passed by the people of the state in convention legally assembled, therefore by them in their highest state capacity—in the same capacity in which they ordain and ratify the state constitution itself; and in nearly all the states they were in addition ratified and confirmed, if the facts have been correctly reported, by a genuine plebiscitum, or direct vote of the people. In all cases they were adopted by a decided majority of the political people of the state, and after their adoption they were acquiesced in and indeed actively supported by very nearly the whole people. The people of the states adopting the secession ordinances were far more unanimous in supporting secession than the people of the other states were in sustaining the government in its efforts to suppress the rebellion by coercive measures. It will not do, then, to ascribe the secession ordinances to a faction. The people are never a faction, nor is a faction ever the majority.

There has been a disposition at the North, encouraged by the few Union men at the South, to regard secession as the work of a few ambitious and unprincipled leaders, who, by their threats, their violence, and their overbearing manner, forced the mass of the people of their respective states into secession, against their convictions and their will. No doubt there were leaders at the South, as there are in every great movement at the North; no doubt there were individuals in the seceding states that held secession wrong in principle, and were conscientiously attached to the Union; no doubt, also, there were men who adhered to the Union, not because they disapproved secession, but because they disliked the men at the head of the movement, or because they were keen-sighted enough to see that it could not succeed, that the Union must be the winning side, and that by adhering

to it they would become the great and leading men of their respective states, which they certainly could not be under secession. Others sympathized fully with what was called the southern cause, held firmly the right of secession, and hated cordially the Yankees, but doubted either the practicability or the expediency of secession, and opposed it till resolved on, but, after it was resolved on, yielded to none in their earnest support of it. These last comprised the immense majority of those who voted against secession. Never could those called the southern leaders have carried the secession ordinances, never could they have carried on the war with the vigor and determination, and with such formidable armies as they collected and armed for four years, making at times the destiny of the Union wellnigh doubtful, if they had not had the southern heart with them, if they had not been most heartily supported by the overwhelming mass of the people. They led a popular, not a factious movement.

No state, it is said again, has seceded, or could secede. The state is territorial, not personal, and as no state can carry its territory and population out of the Union, no state can secede. Out of the jurisdiction of the Union, or alienate them from the sovereign or national domain, very true; but out of the Union as a state, with rights, powers, or franchises in the Union, not true. Secession is political, not territorial.

But the state holds from the territory or domain. The people are sovereign because attached to a sovereign territory, not the domain because held by a sovereign people, as was established by the analysis of the early Roman constitution. The territory of the states corresponds to the sacred territory of Rome, to which was attached the Roman sovereignty. That territory, once surveyed and consecrated, remained sacred and the ruling territory, and could not be divested of its sacred and governing character. The portions of the territory of the United States once erected into states and consecrated as ruling territory can never be deprived, except by foreign conquest or successful revolution, of its sacred character and inviolable rights.

The state is territorial, not personal, and is constituted by *public*, not by *private* wealth, and is always *respublica* or commonwealth, in distinction from despotism or monarchy in its oriental sense, which is founded on private wealth, or which assumes that the authority to govern, or sovereignty,

is the private estate of the sovereign. All power is a domain, but there is no domain without a dominus or lord. In oriental monarchies the dominus is the monarch; in republics it is the public or people fixed to the soil or territory, that is, the people in their territorial, and not in their personal or genealogical relation. The people of the United States are sovereign only within the territory or domain of the United States, and their sovereignty is a state, because fixed, attached, or limited to that specific territory. It is fixed to the soil, not nomadic. In barbaric nations power is nomadic and personal, or genealogical, confined to no locality, but attaches to the chief, and follows wherever he goes. The Gothic chiefs hold their power by a personal title, and have the same authority in their tribes on the Po or the Rhone as on the banks of the Elbe or the Danube. Power migrates with the chief and his people, and may be exercised wherever he and they find themselves, as a Swedish queen held when she ordered the execution of one of her subjects at Paris, without asking permission of the territorial lord. In these nations, power is a personal right, or a private estate, not a state which exists only as attached to the domain, and, as attached to the domain, exists independently of the chief or the government. The distinction is between public domain and private domain.

The American system is republican, and, contrary to what some democratic politicians assert, the American democracy is territorial, not personal; not territorial because the majority of the people are agriculturists or landholders, but because all political rights, powers, or franchises are territorial. The sovereign people of the United States are sovereign only within the territory of the United States. The great body of the freemen have the elective franchise, but no one has it save in his state, his county, his town, his ward, his precinct. Out of the election district in which he is domiciled, a citizen of the United States has no more right to vote than has the citizen or subject of a foreign state. This explains what is meant by the attachment of power to the territory, and the dependence of the state on the domain. The state, in republican states, exists only as inseparably united with the public domain; under feudalism, power was joined to territory or domain, but the domain was held as a private, not as a public domain. All sovereignty rests on domain or proprietorship, and is dominion. The proprietor is the dominus or lord, and in re-

publican states the lord is society, or the public, and the domain is held for the common or public good of all. All political rights are held from society, or the dominus, and therefore it is the elective franchise is held from society, and is a civil right, as distinguished from a natural, or even a purely personal right.

As there is no domain without a lord or dominus, territory alone cannot possess any political rights or franchises, for it is not a domain. In the American system, the dominus or lord is not the particular state, but the United States, and the domain of the whole territory, whether erected into particular states or not, is in the United States alone. The United States do not part with the dominion of that portion of the national domain included within a particular state. The state holds the domain not separately but jointly, as inseparably one of the United States: separated, it has no dominion, is no state, and is no longer a joint sovereign at all, and the territory that it included falls into the condition of any other territory held by the United States not erected into one of the United States.

Lawyers, indeed, tell us that the eminent domain is in the particular state, and that all escheats are to the state, not to the United States. All escheats of private estates, but no public or general escheats. But this has nothing to do with the public domain. The United States are the dominus, but they have, by the constitution, divided the powers of government between a general government and particular state governments, and ordained that all matters of a general nature, common to all the states, should be placed under the supreme control of the former, and all matters of a private or particular character under the supreme control of the latter. The eminent domain of private estates is in the particular state, but the sovereign authority in the particular state is that of the United States expressing itself through the state government. The United States, in the states as well as out of them, is the dominus, as the states respectively would soon find if they were to undertake to alienate any part of their domain to a foreign power, or even to the citizens or subjects of a foreign state, as is also evident from the fact that the United States, in the way prescribed by the constitution, may enlarge or contract at will the rights and powers of the states. The mistake on this point grows out of the habit of restricting the action of the United States to the general government, and not

recollecting that the United States govern one class of subjects through the general government and another class through state governments, but that it is one and the same authority that governs in both.

The analogy borrowed from the Roman constitution, as far as applicable, proves the reverse of what is intended. The dominus of the sacred territory was the city, or the Roman state, not the sacred territory itself. The territory received the tenant, and gave him as tenant the right to a seat in the senate; but the right of the territory was derived not from the domain, but from the dominus, that is, the city. But the city could revoke its grant, as it practically did when it conferred the privileges of Roman citizenship on the provincials, and gave to plebeians seats in the senate. Moreover, nothing in Roman history indicates that to the validity of a senatus consultum it was necessary to count the vacant domains of the sacred territory. The particular domain must, under the American system, be counted when it is held by a state, but of itself alone, or even with its population, it is not a state, and therefore as a state domain is vacant and without any political rights or powers whatever.

To argue that the territory and population once a state in the Union must needs always be so, would be well enough if a state in the Union were individually a sovereign state: for territory, with its population not subject to another, is always a sovereign state, even though its government has been subverted. But this is not the fact, for territory with its population does not constitute a state in the Union; and, therefore, when of a state nothing remains but territory and population, the state has evidently disappeared. It will not do then to maintain that state suicide is impossible, and that the states that adopted secession ordinances have never for a moment ceased to be states in the Union, and are free, whenever they choose, to send their representatives and senators to occupy their vacant seats in congress. They must be reorganized first.

There would also be some embarrassment to the government in holding that the states that passed the secession ordinance remain, notwithstanding, states in the Union. The citizens of a state in the Union cannot be rebels to the United States, unless they are rebels to their state; and rebels to their state they are not, unless they resist its authority and make war on it. The authority of the state in the Union

is a legal authority, and the citizen in obeying it is disloyal neither to the state nor to the Union. The citizens in the states that made war on the United States did not resist their state, for they acted by its authority. The only men, on this supposition, in them, who have been traitors or rebels, are precisely the Union men who have refused to go with their respective states, and have resisted, even with armed force, the secession ordinances. The several state governments, under which the so-called rebels carried on the war for the destruction of the Union, if the states are in the Union, were legal and loyal governments of their respective states, for they were legally elected and installed, and conformed to their respective state constitutions. All the acts of these governments have been constitutional. Their entering into a confederacy for attaining a separate nationality has been legal, and the debts contracted by the states individually, or by the confederacy legally formed by them, have been legally contracted, stand good against them, and perhaps against the United States. The war against them has been all wrong, and the confederates killed in battle have been murdered by the United States. The blockade has been illegal, for no nation can blockade its own ports, and the captures and seizures under it, robberies. The supreme court has been wrong in declaring the war a territorial civil war, as well as the government in acting accordingly. Now, all these conclusions are manifestly false and absurd, and therefore the assumption that the states in question have all along been states in the Union cannot be sustained.

It is easy to understand the resistance the government offers to the doctrine that a state may commit suicide, or by its own act abdicate its rights and cease to be a state in the Union. It is admissible on no theory of the constitution that has been widely entertained. It is not admissible on Mr. Calhoun's theory of state sovereignty, for on that theory a state in going out of the Union does not cease to be a state, but simply resumes the powers it had delegated to the general government. It cannot be maintained on Mr. Madison's or Mr. Webster's theory, that the states prior to the Union were severally sovereign, but by the Union were constituted one people; for, if this one people are understood to be a federal people, state secession would not be state suicide, but state independence; and if understood to be one consolidated or centralized people, it would be simply insur-

rection or rebellion against the national authority, laboring to make itself a revolution. The government seems to have understood Mr. Madison's theory in both senses—in the consolidated sense, in declaring the secessionists insurgents and rebels, and in the federal sense, in maintaining that they have never seceded, and are still states in the Union, in full possession of all their political or state rights. Perhaps, if the government, instead of borrowing from contradictory theories of the constitution which have gained currency, had examined in the light of historical facts the constitution itself, it would have been constitutional in its doctrine as it has been loyal and patriotic, energetic and successful in its military administration.

Another reason why the doctrine that state secession is state suicide has appeared so offensive to many, is the supposition entertained at one time by some of its friends, that the dissolution of the state vacates all rights and franchises held under it. But this is a mistake. The principle is well known and recognized by the jurisprudence of all civilized nations, that in the transfer of a territory from one territorial sovereign to another, the laws in force under the old sovereign remain in force after the change, till abrogated, or others are enacted in their place by the new sovereign, except such as are necessarily abrogated by the change itself of the sovereign; not, indeed, because the old sovereign retains any authority, but because such is presumed by the courts to be the will of the new sovereign. The principle applies in the case of the death of a state in the Union. The laws of the state are territorial, till abrogated by competent authority, remain the *lex loci*, and are in full force. All that would be vacated would be the public rights of the state, and in no case the private rights of citizens, corporations, or laws affecting them.

But the same conclusion is reached in another way. In the lapse of a state or its return to the condition of a territory, there is really no change of sovereignty. The sovereignty, both before and after, is the United States. The sovereign authority that governs in the state government, as we have seen, though independent of the general government, is the United States. The United States govern certain matters through a general government, and others through particular state governments. The private rights and interests created, regulated, or protected by the particular state, are created, regulated, or protected by the United

States, as much and as plenarily as if done by the general government, and the state laws creating, regulating, or protecting them can be abrogated by no power known to the constitution, but either the state itself, or the United States in convention legally assembled. If this were what is meant by the states that have seceded, or professed to secede, remaining states in the Union, they would, indeed, be states still in the Union, notwithstanding secession, and the government would be right in saying that no state can secede. But this is not what is meant, at least not all that is meant. It is meant not only that the private rights of citizens and corporations remain, but the citizens retain all the public rights of the state, that is, the right to representation in congress and in the electoral college, and the right to sit in the convention, which is not true.

But the correction of the misapprehension that the private rights and interests are lost by the lapse of the state may remove the graver prejudices against the doctrine of state suicide, and dispose loyal and honest Union men to hear the reasons by which it is supported, and which nobody has refuted or can refute on constitutional grounds. A territory by coming into the Union becomes a state; a state by going out of the Union becomes a territory.

## CHAPTER XIII.—RECONSTRUCTION.

THE question of reconstructing the states that seceded will be practically settled before these pages can see the light, and will therefore be considered here only so far as necessary to complete the view of the constitution of the United States. The manner in which the government proposed to settle, has settled, or will settle the question, proves that both it and the American people have only confused views of the rights and powers of the general government, but imperfectly comprehend the distinction between the legislative and executive departments of that government, and are far more familiar with party tactics than with constitutional law.

It would be difficult to imagine any thing more unconstitutional, more crude, or more glaringly impolitic than the mode of reconstruction indicated by the various executive proclamations that have been issued, bearing on the subject, or even by the bill for guarantying the states republican gov-

ernments, that passed congress, but which failed to obtain the president's signature. It is, in some measure, characteristic of the American government to understand how things ought to be done only when they are done and it is too late to do them in the right way. Its wisdom comes after action, as if engaged in a series of experiments. But, happily for the nation, few blunders are committed that with our young life and elasticity are irreparable, and that, after all, are greater than are ordinarily committed by older and more experienced nations. They are not of the most fatal character, and are, for the most part, such as are incident to the conceit, the heedlessness, the ardor, and the impatience of youth, and need excite no serious alarm for the future.

There has been no little confusion in the public mind, and in that of the government itself, as to what reconstruction is, who has the power to reconstruct, and how that power is to be exercised. Are the states that seceded states in the Union, with no other disability than that of having no legal governments? or are they territories subject to the Union? Is their reconstruction their erection into new states, or their restoration as states previously in the Union? Is the power to reconstruct in the states themselves? or is it in the general government? If partly in the people and partly in the general government, is the part in the general government in congress, or in the executive? If in congress, can the executive, without the authority of congress, proceed to reconstruct, simply leaving it for congress to accept or reject the reconstructed state? If the power is partly in the people of the disorganized states, who or what defines that people, decides who may or may not vote in the reorganization? On all these questions there has been much crude, if not erroneous, thinking, and much inconsistent and contradictory action.

The government started with the theory that no state had seceded or could secede, and held that, throughout, the states in rebellion continued to be states in the Union. That is, it held secession to be a purely personal and not a territorial insurrection. Yet it proclaimed eleven states to be in insurrection against the United States, blockaded their ports, and interdicted all trade and intercourse of any kind with them. The supreme court, in order to sustain the blockade and interdict as legal, decided the war to be not a war against simply individual or personal insurgents, but "a territorial civil war." This negatived the assumption that

the states that took up arms against the United States remained all the while peaceable and loyal states, with all their political rights and powers in the Union. The states in the Union are integral elements of the political sovereignty, for the sovereignty of the American nation vests in the states united; and it is absurd to pretend that the eleven states that made the rebellion and were carrying on a formidable war against the United States, were in the Union, an integral element of that sovereign authority which was carrying on a yet more formidable war against them. Nevertheless, the government still held to its first assumption, that the states in the rebellion continued to be states in the Union—loyal states, with all their rights and franchises unimpaired!

That the government should at first have favored or acquiesced in the doctrine that no state had ceased to be a state in the Union, is not to be wondered at. The extent and determination of the secession movement were imperfectly understood, and the belief among the supporters of the government, and, perhaps, of the government itself, was, that it was a spasmodic movement for a temporary purpose, rather than a fixed determination to found an independent separate nationality; that it was and would be sustained by the real majority of the people of none of the states, with perhaps the exception of South Carolina; that the true policy of the government would be to treat the seceders with great forbearance, to avoid all measures likely to exasperate them or to embarrass their loyal fellow-citizens, to act simply on the defensive, and to leave the Union men in the several seceding states to gain a political victory at the polls over the secessionists, and to return their states to their normal position in the Union.

The government may not have had much faith in this policy, and Mr. Lincoln's personal authority might be cited to the effect that it had not, but it was urged strongly by the Union men of the border states. The administration was hardly seated in office, and its members were new men, without administrative experience; the president, who had been legally elected, indeed, but without a majority of the popular votes, was far from having the full confidence even of the party that elected him; opinions were divided; party spirit ran high; the excitement was great, the crisis was imminent, the government found itself left by its predecessor without an army or a navy, and almost without arms or

ordnance; it knew not how far it could count on popular support, and was hardly aware whom it could trust or should distrust; all was hurry and confusion; and what could the government do but to gain time, keep off active war as long as possible, conciliate all it could, and take ground which at the time seemed likely to rally the largest number of the people to its support? There were men then, warm friends of the administration, and still warmer friends of their country, who believed that a bolder, a less timid, a less cautious policy would have been wiser; that in revolutionary times boldness, what in other times would be rashness, is the highest prudence, on the side of the government as well as on the side of the revolution; that when once it has shown itself, the rebellion that hesitates, deliberates, consults, is defeated—and so is the government. The seceders owed from the first their successes not to their superior organization, to their better preparation, or to the better discipline and appointment of their armies, but to their very rashness, to their audacity even, and the hesitancy, caution, and deliberation of the government. Napoleon owed his successes as general and civilian far more to the air of power he assumed, and the conviction he produced of his invincibility in the minds of his opponents, than to his civil or military strategy and tactics, admirable as they both were.

But the government believed it wisest to adopt a conciliatory, and, in many respects, a temporizing policy, and to rely more on weakening the secessionists in their respective states than on strengthening the hands and hearts of its own stanch and uncompromising supporters. It must strengthen the Union party in the insurrectionary states, and as this party hoped to succeed by political manipulation rather than by military force, the government must rely rather on a show of military power than on gaining any decisive battle. As it hoped, or affected to hope, to suppress the rebellion in the states that seceded through their loyal citizens, it was obliged to assume that secession was the work of a faction, of a few ambitious and disappointed politicians, and that the states were all in the Union, and continued in the loyal portion of their inhabitants. Hence its aid to the loyal Virginians to organize as the state of Virginia, and its subsequent efforts to organize the Union men in Louisiana, Arkansas, and Tennessee, and its disposition to recognize their organization in each of those states as the state

itself, though including only a small minority of the territorial people. Had the facts been as assumed, the government might have treated the loyal people of each state as the state itself, without any gross usurpation of power; but, unhappily, the facts assumed were not facts, and it was soon found that the Union party in all the states that seceded, except the western part of Virginia and the eastern section of Tennessee, after secession had been carried by the popular vote, went almost unanimously with the secessionists; for they as well as the secessionists held the doctrine of state sovereignty; and to treat the handful of citizens that remained loyal in each state as the state itself, became ridiculous, and the government should have seen and acknowledged it.

The rebellion being really territorial, and not personal, the state that seceded was no more continued in the loyal than in the disloyal population. While the war lasted, both were public enemies of the United States, and neither had or could have any rights as a state in the Union. The law recognizes a solidarity of all the citizens of a state, and assumes that when a state is at war, all its citizens are at war, whether approving the war or not. The loyal people in the states that seceded incurred none of the pains and penalties of treason, but they retained none of the political rights of the state in the Union, and, in reorganizing the state after the suppression of the rebellion, they have no more right to take part than the secessionists themselves. They, as well as the secessionists, have followed the territory. It was on this point that the government committed its gravest mistake. As to the reorganization or reconstruction of the state, the whole territorial people stood on the same footing.

Taking the decision of the supreme court as conclusive on the subject, the rebellion was territorial, and therefore, placed all the states as states out of the Union, and retained them only as population and territory under or subject to the Union. The states ceased to exist, that is, as integral elements of the national sovereignty. The question then occurred, are they to be erected into new states, or are they to be reconstructed and restored to the Union as the identical old states that seceded? Shall their identity be revived and preserved, or shall they be new states, regardless of that identity? There can be no question that the work to be done was that of restoration, not of creation; no tribe should perish from Israel, no star be struck from the firma-

ment of the Union. Every inhabitant of the fallen states, and every citizen of the United States must desire them to be revived and continued with their old names and boundaries, and all true Americans wish to continue the constitution as it is, and the Union as it was. Who would see old Virginia, the Virginia of revolutionary fame, of Washington, Jefferson, Madison, of Monroe, the "Old Dominion," once the leading state of the Union, dead without hope of resurrection? or South Carolina, the land of Rutledge, Moultrie, Laurens, Hayne, Sumter, and Marion? There is something grating to him who values state associations, and would encourage state emulation and state pride, in the mutilation of the Old Dominion, and the erection within her borders of the new state called West Virginia. States in the Union are not mere prefectures, or mere dependencies on the general government, created for the convenience of administration. They have an individual, a real existence of their own, as much so as have the individual members of society. They are free members, not of a confederation indeed, but of a higher political community, and reconstruction should restore the identity of their individual life, suspended for a moment by secession, but capable of resuscitation.

These states had become, indeed, for a moment, territory under the Union; but in no instance had they or could they become territory that had never existed as states. The fact that the territory and people had existed as a state, could with regard to none of them be obliterated, and, therefore, they could not be erected into absolutely new states. The process of reconstructing them could not be the same as that of creating new states. In creating a new state, congress, *ex necessitate*, because there is no other power except the national convention competent to do it, defines the boundaries of the new state, and prescribes the electoral people, or who may take part in the preliminary organization; but in reconstructing states it does neither, for both are done by a law congress is not competent to abrogate or modify, and which can be done only by the United States in convention assembled, or by the state itself after its restoration. The government has conceded this, and, in part, has acted on it. It preserves, except in Virginia, the old boundaries, and recognizes, or rather professes to recognize the old electoral law, only it claims the right to exclude from the electoral people those who have voluntarily taken part in the rebellion.

The work to be done in states that have seceded is that of reconstruction, not creation; and this work is not and cannot be done exclusively nor chiefly by the general government, either by the executive or by congress. That government can appoint military, or even provisional governors, who may designate the time and place of holding the convention of the electoral people of the disorganized state, as also the time and place of holding the elections of delegates to it, and superintend the elections so far as to see that the polls are opened, and that none but qualified electors vote, but nothing more. All the rest is the work of the territorial electoral people themselves, for the state within its own sphere must, as one of the United States, be a self-governing community. The general government may concede or withhold permission to the disorganized state to reorganize, as it judges advisable, but it cannot itself reorganize it. If it concedes the permission, it must leave the whole electoral people under the preëxisting electoral law free to take part in the work of reorganization, and to vote according to their own judgment. It has no authority to purge the electoral people, and say who may or may not vote, for the whole question of suffrage and the qualifications of electors is left to the state, and can be settled neither by an act of congress nor by an executive proclamation.

If the government theory were admissible, that the disorganized states remain states in the Union, the general government could have nothing to say on the subject, and could no more interfere with elections in any of them than it could with the elections in Massachusetts or New York. But even on the doctrine here defended it can interfere with them only by way of general superintendence. The citizens have, indeed, lost their political rights, but not their private rights. Secession has not dissolved civil society, nor abrogated any of the laws of the disorganized state that were in force at the time of secession. The error of the government is not in maintaining that these laws survive the secession ordinances, and remain the territorial law, or *lex loci*, but in maintaining that they do so by will of the state, that has, as a state, really lapsed. They do so by will of the United States, which enacted them through the individual state, and which has not in convention abrogated them, save the law authorizing slavery and its dependent laws.

This point has already been made, but as it is one of the niceties of the American constitution, it may not be amiss

to elaborate it at greater length. The doctrine of Mr. Jefferson, Mr. Madison, and the majority of our jurists, would seem to be that the states, under God, are severally sovereign in all matters not expressly confided to the general government, and therefore that the American sovereignty is divided, and the citizen owes a double allegiance—allegiance to his state, and allegiance to the United States—as if there was a United States distinguishable from the states. Hence Mr. Seward, in an official dispatch to our minister at the court of St. James, says: "The citizen owes allegiance to the state and to the United States." And nearly all who hold allegiance is due to the Union at all, hold that it is also due to the states, only that which is due to the United States is paramount, as that under feudalism due to the overlord. But this is not the case. There is no divided sovereignty, no divided allegiance. Sovereignty is one, and vests not in the general government or in the state government, but in the United States, and allegiance is due to the United States, and to them alone. Treason can be committed only against the United States, and against a state only because against the United States, and is properly cognizable only by the federal courts. Hence the union men committed no treason in refusing to submit to the secession ordinances of their respective states, and in sustaining the national arms against secession.

There are two very common mistakes: the one that the states individually possess all the powers not delegated to the general government; and the other that the Union, or United States have only delegated powers. But the United States possess all the powers of a sovereign state, and the states individually and the general government possess only such powers as the United States in convention delegate to them respectively. The sovereign is neither the general government nor the states severally, but the United States in convention. The United States are the one indivisible sovereign, and this sovereign governs alike general matters in the general government, and particular matters in the several state governments. All legal authority in either emanates from this one indivisible and plenary sovereign, and hence the laws enacted by a state are really enacted by the United States, and derive from them their force and vitality as laws. Hence, as the United States survive the particular state, the lapse of the state does not abrogate the state laws, or dissolve civil society within its jurisdiction.

This is evidently so, because civil society in the particular state does not rest on the state alone, nor on congress, but on the United States. Hence all civil rights of every sort created by the individual state are really held from the United States, and therefore it was that the people of non-slaveholding states were, as citizens of the United States, responsible for the existence of slavery in the states that seceded. There is a solidarity of states in the Union as there is of individuals in each of the states. The political error of the abolitionists was not in calling upon the people of the United States to abolish slavery, but in calling upon them to abolish it through the general government, which had no jurisdiction in the case; or in their sole capacity as men, on purely humanitarian grounds, which were the abrogation of all government and civil society itself, instead of calling upon them to do it as the United States in convention assembled, or by an amendment to the constitution of the United States in the way ordained by that constitution itself. This understood, the constitution and laws of a defunct state remain in force by virtue of the will of the United States, till the state is raised from the dead, restored to life and activity, and repeals or alters them, or till they are repealed or altered by the United States or the national convention. But as the defunct state could not, and the convention had not repealed or altered them, save in the one case mentioned, the general government had no alternative but to treat them and all rights created by them as the territorial law, and to respect them as such.

What then do the people of the several states that seceded lose by secession? They lose, besides incurring, so far as disloyal, the pains and penalties of treason, their political rights, or right, as has just been said, to be in their own department self-governing communities, with the right of representation in congress and the electoral colleges, and to sit in the national convention, or of being counted in the ratification of amendments to the constitution—precisely what it was shown a territorial people gain by being admitted as a state into the Union. This is the difference between the constitutional doctrine and that adopted by Mr. Lincoln's and Mr. Johnson's administrations. But what authority, on this constitutional doctrine, does the general government gain over the people of states that secede, that it has not over others? As to their internal constitution, their private rights of person or property, it gains none. It has over

them, till they are reconstructed and restored to the Union, the right to institute for them provisional governments, civil or military, precisely as it has for the people of a territory that is not and has never been one of the United States; but in their reconstruction it has less, for the geographical boundaries and electoral people of each are already defined by a law which does not depend on its will, and which it can neither abrogate nor modify. Here is the difference between the constitutional doctrine and that of the so-called radicals. The state has gone, but its laws remain, so far as the United States in convention does not abrogate them; not because the authority of the state survives, but because the United States so will, or are presumed to will. The United States have by a constitutional amendment abrogated the laws of the several states authorizing slavery, and prohibited slavery for ever within the jurisdiction of the Union; and no state can now be reconstructed and be admitted into the Union with a constitution that permits slavery, for that would be repugnant to the constitution of the United States. If the constitutional amendment is not recognized as ratified by the requisite number of states, it is the fault of the government in persisting in counting as states what are no states. Negro suffrage, as white suffrage, is at present a question for the states.

The United States guaranty to each state a republican form of government. And this guaranty, no doubt, authorizes congress to intervene in the internal constitution of a state, so far as to force it to adopt a republican form of government, but not so far as to organize a government for a state, or to compel a territorial people to accept or adopt a state constitution for themselves. If a state attempts to organize a form of government not republican, it can prevent it; and if a territory adopts an unrepublican form, it can force it to change its constitution to one that is republican, or compel it to remain a territory under a provisional government. But this gives the general government no authority in the organization or reorganization of states beyond seeing that the form of government adopted by the territorial people is republican. To press it further, to make the constitutional clause a pretext for assuming the entire control of the organization or reorganization of a state, is a manifest abuse—a palpable violation of the constitution and of the whole American system. The authority given by the clause is specific, and is no authority for intervention in

the general reconstruction of the lapsed state. It gives authority in no question raised by secession or its consequences, and can give none, except, from within or from without, there is an overt attempt to organize a state in the Union with an unrepublican form of government.

The general government gives permission to the territorial people of the defunct state to reorganize, or it contents itself with suffering them, without special recognition, to reorganize in their own way, and apply to congress for admission, leaving it to congress to admit them as a state, or not, according to its own discretion, in like manner as it admits a new state; but the reorganization itself must be the work of the territorial people themselves, under their old electoral law. The power that reconstructs is in the people themselves; the power that admits them, or receives them into the Union, is congress. The executive, therefore, has no authority in the matter, beyond that of seeing that the laws are duly complied with; and whatever power he assumes, whether by proclamation or by instructions given to the provisional governors, civil or military, is simply a usurpation of the power of congress, which it rests with congress to condone or not, as it may see fit. Executive proclamations, excluding a larger or a smaller portion of the electoral or territorial people from the exercise of the elective franchise in reorganizing the state, and executive efforts to throw the state into the hands of one political party or another, are an unwarrantable assumption of power, for the president, in relation to reconstruction, acts only under the peace powers of the constitution, and simply as the first executive officer of the Union. His business is to execute the laws, not to make them. His legislative authority is confined to his qualified veto on the acts of congress, and to the recommendation to congress of such measures as he believes are needed by the country.

In reconstructing a disorganized state, neither congress nor the executive has any power that either has not in time of peace. The executive, as commander-in-chief of the army, may *ex necessitate* place it *ad interim* under a military governor, but he cannot appoint even a provisional civil governor till congress has created the office and given him authority to fill it; far less can he legally give instructions to the civil governor as to the mode or manner of reconstructing the disorganized state, or decide who may or may not vote in the preliminary reorganization. The executive

could do nothing of the sort, even in regard to a territory never erected into a state. It belongs to congress, not to the executive, to erect territorial or provisional governments, like those of Dakota, Colorado, Montana, Nebraska, and New Mexico; and congress, not the executive, determines the boundaries of the territory, passes the enabling act, and defines the electoral people, till the state is organized and able to act herself. Even congress, in reconstructing and restoring to life and vigor in the Union a disorganized state, has nothing to say as to its boundaries or its electoral people, nor any right to interfere between parties in the state, to throw the reconstructed state into the hands of one or another party. All that congress can insist on is, that the territorial people shall reconstruct with a government republican in form; that its senators and representatives in congress, and the members of the state legislature, and all executive and judicial officers of the state shall be bound by oath or affirmation to support and defend the constitution of the United States. In the whole work the president has nothing to do with reconstruction, except to see that peace is preserved and the laws are fully executed.

It may be at least doubted that the executive has power to proclaim amnesty and pardon to rebels after the civil war has ceased, and ceased it has when the rebels have thrown down their arms and submitted; for his pardoning power is only to pardon after conviction and judgment of the court: it is certain that he has no power to proscribe or punish even traitors, except by due process of law. When the war is over he has only his ordinary peace powers. He cannot then disfranchise any portion of the electoral people of a state that seceded, even though there is no doubt that they have taken part in the rebellion, and may still be suspected of disloyal sentiments. Not even congress can do it, and no power known to the constitution till the state is reconstructed can do it without due process of law, except the national convention. Should the president do any of the things supposed, he would both abuse the power he has and usurp power that he has not, and render himself liable to impeachment. There are many things very proper, and even necessary to be done, which are high crimes when done by an improper person or agent. The duty of the president, when there are steps to be taken or things to be done which he believes very necessary, but which are

not within his competency, is, if congress is not in session, to call it together at the earliest practicable moment, and submit the matter to its wisdom and discretion.

It must be remembered that the late rebellion was not a merely personal but a territorial rebellion. In such a rebellion, embracing eleven states, and, excluding slaves, a population of at least seven millions, acting under an organized territorial government, preserving internal civil order, supporting an army and navy under regularly commissioned officers, and carrying on war as a sovereign nation—in such a territorial rebellion no one in particular can be accused and punished as a traitor. The rebellion is not the work of a few ambitious or reckless leaders, but of the people, and the responsibility of the crime, whether civil or military, is not individual, but common to the whole territorial people engaged in it; and seven millions, or the half of them, are too many to hang, to exile, or even to disfranchise. Their defeat and the failure of their cause must be their punishment. The interest of the country, as well as the sentiment of the civilized world—it might almost be said the law of nations—demands their permission to return to their allegiance, to be treated according to their future merits, as an integral portion of the American people.

The sentiment of the civilized world has much relaxed from its former severity toward political offenders. It regards with horror the savage cruelties of Great Britain to the unfortunate Jacobites, after their defeat under Charles Edward, at Culloden, in 1746, her barbarous treatment of the United Irishmen in 1798, and her brutality to the mutinous Hindoos in 1857–'58; the harshness of Russia toward the insurgent Poles, defeated in their mad attempts to recover their lost nationality; the severity of Austria, under Haynau, toward the defeated Magyars. The liberal press kept up for years, especially in England and the United States, a perpetual howl against the papal and Neapolitan governments for arresting and imprisoning men who conspired to overthrow them. Louis Kossuth was no less a traitor than Jefferson Davis, and yet the United States solicited his release from a Turkish prison, and sent a national ship to bring him hither as the nation's guest. The people of the United States have held from the first "the right of insurrection," and have given their moral support to every insurrection in the Old or New World they discovered, and for them to treat with severity any portion of the southern

secessionists, who, at the very worst, only acted on the principles the nation had uniformly avowed and pronounced sacred, would be regarded, and justly, by the civilized world, as little less than infamous.

Not only the fair fame, but the interest of the Union forbids any severity toward the people lately in arms against the government. The interest of the nation demands not the death or the expulsion of the secessionists, and, least of all, of those classes proscribed by the president's proclamation of the 29th of May, 1865, nor even their disfranchisement, perpetual or temporary; but their restoration to citizenship, and their loyal coöperation with all true-hearted Americans, in healing the wounds inflicted on the whole country by the civil war. There need be no fear to trust them. Their cause is lost; they may or may not regret it, but lost it is, and lost for ever. They appealed to the ballot-box, and were defeated; they appealed from the ballot-box to arms, to war, and have been again defeated, terribly defeated. They know it and feel it. There is no further appeal for them; the judgment of the court of last resort has been rendered, and rendered against them. The cause is finished, the controversy closed, never to be reopened. Henceforth the Union is invincible, and it is worse than idle to attempt to renew the war against it. Henceforth their lot is bound up with that of the nation, and all their hopes and interests, for themselves and their children, and their children's children, depend on their being permitted to demean themselves henceforth as peaceable and loyal American citizens. They must seek their freedom, greatness, and glory in the freedom, greatness, and glory of the American republic, in which, after all, they can be far freer, greater, more glorious than in a separate and independent confederacy. All the arguments and considerations urged by Union men against their secession, come back to them now with redoubled force to keep them henceforth loyal to the Union.

They cannot afford to lose the nation, and the nation cannot afford to lose them. To hang or exile them, and depopulate and suffer to run to waste the lands they had cultivated, were sad thrift, sadder than that of deporting four millions of negroes and colored men. To exchange only those excepted from amnesty and pardon by President Johnson, embracing some two millions or more, the very *pars sanior* of the southern population, for what would remain or flock in to supply their place, would be only the exchange

of Glaucus and Diomed, gold for brass; to disfranchise them, confiscate their estates, and place them under the political control of the freedmen, lately their slaves, and the ignorant and miserable "white trash," would be simply to render rebellion chronic, and to convert seven millions of Americans, willing and anxious to be free, loyal American citizens, into eternal enemies. They have yielded to superior numbers and resources, beaten, but not disgraced; for they have, even in rebellion, proved themselves what they are—real Americans. They are the product of the American soil, the free growth of the American republic, and to disgrace them were to disgrace the whole American character and people.

The wise Romans never allowed a triumph to a Roman general for victories, however brilliant, won over Romans. In civil war, the victory won by the government troops is held to be a victory for the country, in which all parties are victors, and nobody is vanquished. It was as truly for the good of the secessionists to fail, as it was for those who sustained the government to succeed; and the government having forced their submission and vindicated its own authority, it should now leave them to enjoy, with others, the victory which it has won for the common good of all. When war becomes a stern necessity, when it breaks out, and while it lasts, humanity requires it to be waged in earnest, prosecuted with vigor, and made as damaging, as distressful to the enemy as the laws of civilized nations permit. It is the way to bring it to a speedy close, and to save life and property. But when it is over, when the enemy submits, and peace returns, the vanquished should be treated with gentleness and love. No rancor should remain, no vengeance should be sought; they who met in mortal conflict on the battle-field should be no longer enemies, but embrace as comrades, as friends, as brothers. None but a coward kicks a fallen foe; a brave people is generous, and the victors in the late war can afford to be generous generously. They fought for the Union, and the Union has no longer an enemy; their late enemies are willing and proud to be their countrymen, fellow-citizens, and friends; and they should look to it that small politicians do not rob them in the eyes of the world, by unnecessary and ill-timed severity to the submissive, of the glory of being, as they are, a great, noble, chivalric, generous, and magnanimous people.

The government and the small politicians, who usually are the most influential with all governments, should re-

member that none of the secessionists, however much in error they have been, have committed the moral crime of treason. They held, with the majority of the American people, the doctrine of state sovereignty, and on that doctrine they had a right to secede, and have committed no treason, been guilty of no rebellion. That was, indeed, no reason why the government should not use all its force, if necessary, to preserve the national unity and the integrity of the national domain; but it is a reason, and a sufficient reason, why no penalty of treason should be inflicted on secessionists or their leaders, after their submission, and recognition of the sovereignty of the United States as that to which they owe allegiance. None of the secessionists have been rebels or traitors, except in outward act, and there can, after the act has ceased, be no just punishment where there has been no criminal intent. Treason is the highest crime, and deserves exemplary punishment; but not where there has been no treasonable intent, where they who committed it did not believe it was treason, and on principles held by the majority of their countrymen, and by the party that had generally held the government, there really was no treason. Concede state sovereignty, and Jefferson Davis was no traitor in the war he made on the United States, for he made none till his state had seceded. He could not then be arraigned for his acts after secession, and at most, only for conspiracy, if at all, before secession.

But, if you permit all to vote, in the reorganization of the state, who, under the old electoral law, have the elective franchise, you throw the state into the hands of those who have been disloyal to the Union. If so, and you cannot trust them, the remedy is not in disfranchising the majority, but in prohibiting reorganization and in holding the territorial people still longer under the provisional government, civil or military. The old electoral law disqualifies all who have been convicted of treason either to the state or to the United States, and neither congress nor the executive can declare any others disqualified on account of disloyalty. But you must throw the state into the hands of those who took part, directly or indirectly, in the rebellion, if you reconstruct the state at all, for they are undeniably the great body of the territorial people in all the states that seceded. These people having submitted, and declared their intention to reconstruct the state as a state in the Union, you must amend the constitution of the United States, unless they are con-

victed of a disqualifying crime by due process of law, before you can disfranchise them. It is impossible to reconstruct any one of the disorganized states with those alone, or as the dominant party, who have adhered to the Union throughout the fearful struggle, as self-governing states. The state, resting on so small a portion of the people, would have no internal strength, no self-support, and could stand only as upheld by federal arms, which would greatly impair the free and healthy action of the whole American system.

The government attempted to do it in Virginia, Louisiana, Arkansas, and Tennessee, before the rebellion was suppressed, but without authority and without success. The organizations, effected at great expense, and sustained only by military force, were neither states nor state governments, nor capable of being made so by any executive or congressional action. If the disorganized states, as the government held, were still states in the Union, these organizations were flagrantly revolutionary, as effected not only without, but in defiance of state authority; if they had seceded and ceased to be states, as was the fact, they were equally unconstitutional and void of authority, because not created by the free suffrage of the territorial people, who alone are competent to construct or reconstruct a state.

If the unionists had retained the state organization and government, however small their number, they would have held the state, and the government would have been bound to recognize and to defend them as such with all the force of the Union. The rebellion would then have been personal, not territorial. But such was not the case. The state organization, the state government, the whole state authority rebelled, made the rebellion territorial, not personal, and left the Unionists, very respectable persons assuredly, residing, if they remained at home, in rebel territory, traitors in the eyes of their respective states, and shorn of all political *status* or rights. Their political *status* was simply that of the old loyalists, or adherents of the British crown in the American war for independence, and it was as absurd to call them the state, as it would have been for Great Britain to have called the old Tories the colonies.

The theory on which the government attempted to reorganize the disorganized states rested on two false assumptions: first, that the people are personally sovereign; and, second, that all the power of the Union vests in the general government. The first, as we have seen, is the principle of

so-called "squatter sovereignty," embodied in the famous Kansas-Nebraska bill, which gave birth, in opposition, to the Republican party of 1856. The people are sovereign only as the state, and the state is inseparable from the domain. The Unionists without the state government, without any state organization, could not hold the domain, which, when the state organization is gone, escheats to the United States, that is to say, ceases to exist. The American democracy is territorial, not personal.

The general government, in time of war or rebellion, is indeed invested, for war purposes, with all the power of the Union. This is the war power. But, though apparently unlimited, the war power is yet restricted to war purposes, and expires by natural limitation when peace returns; and peace returns, in a civil war, when the rebels have thrown down their arms and submitted to the national authority, and without any formal declaration. During the war, or while the rebellion lasts, it can suspend the civil courts, the civil laws, the state constitutions, any thing necessary to the success of the war—and of the necessity the military authorities are the judges; but it cannot abolish, abrogate, or reconstitute them. On the return of peace they revive of themselves in all their vigor. The emancipation proclamation of the president, if it emancipated the slaves in certain states and parts of states, and if those whom it emancipated could not be reënslaved, did not anywhere abolish slavery, or change the laws authorizing it; and if the government should be sustained by congress or by the supreme court in counting the disorganized states as states in the Union, the legal *status* of slavery throughout the Union, with the exception of Maryland, and perhaps Missouri, is what it was before the war.*

The government undoubtedly supposed, in the reconstructions it attempted, that it was acting under the war power; but as reconstruction can never be necessary for war purposes, and as it is in its very nature a work of peace, incapable of being effected by military force, since its validity depends entirely on its being the free action of the territorial people to be reconstructed, the general government had and could have, with regard to it, only its ordinary peace powers. Reconstruction is *jure pacis*, not *jure belli*.

*This was the case in August, 1865. It may be quite otherwise before these pages see the light.

Yet such illegal organizations, though they are neither states nor state governments, and incapable of being legalized by any action of the executive or of congress, may, nevertheless, be legalized by being indorsed or acquiesced in by the territorial people. They are wrong, as are all usurpations; they are undemocratic, inasmuch as they attempt to give the minority the power to rule the majority; they are dangerous, inasmuch as they place the state in the hands of a party that can stand only as supported by the general government, and thus destroy the proper freedom and independence of the state, and open the door to corruption, tend to keep alive rancor and ill feeling, and to retard the period of complete pacification, which might be effected in three months as well as in three years, or twenty years; yet they can become legal, as other governments illegal in their origin become legal, with time and popular acquiescence. The right way is always the shortest and easiest; but when a government must oftener follow than lead the public, it is not always easy to hit the right way, and still less easy to take it. The general instincts of the people are right as to the end to be gained, but seldom right as to the means of gaining it; and politicians of the Union party, as well as of the late secession party, have an eye in reconstructing, to the future political control of the state when it is reconstructed.

The secessionists, if permitted to retain their franchise, would, even if they accepted abolition, no doubt reorganize their respective states on the basis of white suffrage, and so would the Unionists, if left to themselves. There is no party at the South prepared to adopt negro suffrage, and there would be none at the North if the negroes constituted any considerable portion of the population. As the reconstruction of a state cannot be done under the war power, the general government can no more enfranchise than it can disfranchise any portion of the territorial people, and the question of negro suffrage must be left, where the constitution leaves it—to the states severally, each to dispose of it for itself. Negro suffrage will, no doubt, come in time, as soon as the freedmen are prepared for it, and the danger is that it will be attempted too soon.

It would be a convenience to have the negro vote in the reconstruction of the states disorganized by secession, for it would secure their reconstruction with anti-slavery constitutions, and also make sure of the proposed anti-slavery

amendment to the constitution of the United States; but there is no power in congress to enfranchise the negroes in the states needing reconstruction, and, once assured of their freedom, the freedmen would care little for the Union, of which they understand nothing. They would vote, for the most part, with their former masters, their employers, the wealthier and more intelligent classes, whether loyal or disloyal; for, as a rule, these will treat them with greater personal consideration and kindness than others. The dislike of the negro, and hostility to negro equality, increase as you descend in the social scale. The freedmen, without political instruction or experience, who have had no country, no domicile, understand nothing of loyalty or of disloyalty. They have strong local attachments, but they can have no patriotism. If they adhered to the Union in the rebellion, fought for it, bled for it, it was not from loyalty, but because they knew that their freedom could come only from the success of the Union arms. That freedom secured, they have no longer any interest in the Union, and their local attachments, personal associations, habits, tastes, likes, and dislikes, are southern, not northern. In any contest between the North and South, they would take, to a man, the southern side. After the taunts of the women, the captured soldiers of the Union found, until nearly the last year of the war, nothing harder to bear, when marched as prisoners into Richmond, than the antics and hootings of the negroes. Negro suffrage on the score of loyalty, is at best a matter of indifference to the Union, and as the elective franchise is not a natural right, but a civil trust, the friends of the negro should, for the present, be contented with securing him simply equal rights of person and property.

## CHAPTER XIV.—POLITICAL TENDENCIES.

THE most marked political tendency of the American people has been, since 1825, to interpret their government as a pure and simple democracy, and to shift it from a territorial to a purely popular basis, or from the people as the state, inseparably united to the national territory or domain, to the people as simply population, either as individuals or as the race. Their tendency has unconsciously, therefore, been to change their constitution from a republican to a despotic, or from a civilized to a barbaric constitution.

The American constitution is democratic, in the sense that the people are sovereign; that all laws and public acts run in their name; that the rulers are elected by them, and are responsible to them; but they are the people territorially constituted and fixed to the soil, constituting what Mr. Disraeli, with more propriety perhaps than he thinks, calls a "territorial democracy." To this territorial democracy, the real American democracy, stand opposed two other democracies—the one personal and the other humanitarian—each alike hostile to civilization, and tending to destroy the state, and capable of sustaining government only on principles common to all despotisms.

In every man there is a natural craving for personal freedom and unrestrained action—a strong desire to be himself, not another—to be his own master, to go when and where he pleases, to do what he chooses, to take what he wants, wherever he can find it, and to keep what he takes. It is strong in all nomadic tribes, who are at once pastoral and predatory, and is seldom weak in our bold frontier-men, too often real "border ruffians." It takes different forms in different stages of social development, but it everywhere identifies liberty with power. Restricted in its enjoyment to one man, it makes him chief, chief of the family, the tribe, or the nation; extended in its enjoyment to the few, it founds an aristocracy, creates a nobility—for nobleman meant originally only freeman, as it does still with the Magyars; extended to the many, it founds personal democracy, a simple association of individuals, in which all are equally free and independent, and no restraint is imposed on any one's action, will, or inclination, without his own consent, express or constructive. This is the so-called Jeffersonian democracy, in which government has no powers but such as it derives from the consent of the governed, and is personal democracy or pure individualism—philosophically considered, pure egoism, which says, "I am God." Under this sort of democracy, based on popular, or rather individual sovereignty, expressed by politicians when they call the electoral people, half seriously, half mockingly, "the sovereigns," there obviously can be no state, no social rights or civil authority; there can be only a voluntary association, league, alliance, or confederation, in which individuals may freely act together as long as they find it pleasant, convenient, or useful, but from which they may separate or secede whenever they find it for their interest or their pleasure to

do so. State sovereignty and secession are based on the same democratic principle applied to the several states of the Union instead of individuals.

The tendency of this sort of democracy has been strong in large sections of the American people from the first, and has been greatly strengthened by the general acceptance of the theory that government originates in compact. The full realization of this tendency, which, happily is impracticable save in theory, would be to render every man independent alike of every other man and of society, with full right and power to make his own will prevail. This tendency was strongest in the slaveholding states, and especially, in those states, in the slaveholding class, which were the American imitation of the feudal nobility of mediæval Europe; and on this side the war just ended was, in its most general expression, a war in defence of personal democracy, or the sovereignty of the people individually, against the humanitarian democracy, represented by the abolitionists, and the territorial democracy, represented by the government. This personal democracy has been signally defeated in the defeat of the late confederacy, and can hardly again become strong enough to be dangerous.

But the humanitarian democracy, which scorns all geographical lines, effaces all individualities, and professes to plant itself on humanity alone, has acquired by the war new strength, and is not without menace to our future. The solidarity of the race, which is the condition of all human life, founds, as we have seen, society, and creates what are called social rights, the rights alike of society in regard to individuals, and of individuals in regard to society. Territorial divisions or circumscriptions found particular societies, states, or nations; yet as the race is one, and all its members live by communion with God through it and by communion one with another, these particular states or nations are never absolutely independent of each other, but bound together by the solidarity of the race, so that there is a real solidarity of nations as well as of individuals—the truth underlying Kossuth's famous declaration of "the solidarity of peoples."

The solidarity of nations is the basis of international law, binding on every particular nation, and which every civilized nation recognizes, and enforces on its own subjects or citizens, through its own courts, as an integral part of its own municipal or national law. The personal or individual

right is therefore restricted by the rights of society, and the rights of the particular society or nation are limited by international law, or the rights of universal society—the truth the ex-governor of Hungary overlooked. The grand error of gentilism was in denying the unity and therefore the solidarity of the race, involved in its denial or misconception of the unity of God. It therefore was never able to assign any solid basis to international law, and gave it only a conventional or customary authority, thus leaving the *jus gentium*, which it recognized indeed, without any real foundation in the constitution of things, or authority in the real world. Its real basis is in the solidarity of the race, which has its real basis in the unity of God, not the dead or abstract unity asserted by the old Eleatics, the Neo-Platonists, or the modern Unitarians, but the living unity consisting in the threefold relation in the divine essence, of Father, Son, and Holy Ghost, as asserted by Christian revelation, and believed, more or less intelligently, by all Christendom.

The tendency of the southern states has been to overlook the social basis of the state, or the rights of society founded on the solidarity of the race, and to make all rights and powers personal, or individual; and as only the white race has been able to assert and maintain its personal freedom, only men of that race are held to have the right to be free. Hence the people of those states felt no scruple in holding the black or colored race as slaves. Liberty, said they, is the right only of those who have the ability to assert and maintain it. Let the negro prove that he has this ability by asserting and maintaining his freedom, and he will prove his right to be free, and that it is a gross outrage, a manifest injustice, to enslave him; but, till then, let him be my servant, which is best for him and for me. Why ask me to free him? I shall by doing so only change the form of his servitude. Why appeal to *me?* Am I my brother's keeper? Nay, is he my brother? Is this negro, more like an ape or a baboon than a human being, of the same race with myself? I believe it not. But in some instances at least, my dear slaveholder, your slave is literally your brother, and sometimes even your son, born of your own daughter. The tendency of the southern democrat was to deny the unity of the race, as well as all obligations of society to protect the weak and helpless, and therefore all true civil society.

At the North there has been, and is even yet, an opposite tendency—a tendency to exaggerate the social element, to

overlook the territorial basis of the state, and to disregard the rights of individuals. This tendency has been and is strong in the people called abolitionists. The American abolitionist is so engrossed with the unity that he loses the solidarity of the race, which supposes unity of race and multiplicity of individuals; and fails to see any thing legitimate and authoritative in geographical divisions or territorial circumscriptions. Back of these, back of individuals, he sees humanity, superior to individuals, superior to states, governments, and laws, and holds that he may trample on them all or give them to the winds at the call of humanity or "the higher law." The principle on which he acts is as indefensible as the personal or egoistical democracy of the slaveholders and their sympathizers. Were his socialistic tendency to become exclusive and realized, it would found in the name of humanity a complete social despotism, which, proving impracticable from its very generality, would break up in anarchy, in which might makes right, as in the slaveholder's democracy.

The abolitionists, in supporting themselves on humanity in its generality, regardless of individual and territorial rights, can recognize no state, no civil authority, and therefore are as much out of the order of civilization, and as much in that of barbarism, as is the slaveholder himself. Wendell Phillips is as far removed from true Christian civilization as was John C. Calhoun, and William Lloyd Garrison is as much of a barbarian and despot in principle and tendency as Jefferson Davis. Hence the great body of the people in the non-slaveholding states, wedded to American democracy as they were and are, could never, as much as they detested slavery, be induced to make common cause with the abolitionists, and their apparent union in the late civil war was accidental, simply owing to the fact that for the time the social democracy and the territorial coincided, or had the same enemy. The great body of the loyal people instinctively felt that pure socialism is as incompatible with American democracy as pure individualism; and the abolitionists are well aware that slavery has been abolished, not for humanitarian or socialistic reasons, but really for reasons of state, in order to save the territorial democracy. The territorial democracy would not unite to eliminate even so barbaric an element as slavery, till the rebellion gave them the constitutional right to abolish it; and even then so scrupulous were they, that they demanded a constitutional amend-

ment, so as to be able to make clean work of it, without any blow to individual or state rights.

The abolitionists were right in opposing slavery, but not in demanding its abolition on humanitarian or socialistic grounds. Slavery is really a barbaric element, and is in direct antagonism to American civilization. The whole force of the national life opposes it, and must finally eliminate it, or become itself extinct; and it is no mean proof of their utter want of sympathy with all the living forces of modern civilization, that the leading men of the South and their prominent friends at the North really persuaded themselves that with cotton, rice, and tobacco, they could effectually resist the anti-slavery movement, and perpetuate their barbaric democracy. They studied the classics, they admired Greece and Rome, and imagined that those nations became great by slavery, instead of being great even in spite of slavery. They failed to take into the account the fact that when Greece and Rome were in the zenith of their glory, all contemporary nations were also slaveholding nations, and that if they were the greatest and most highly civilized nations of their times, they were not fitted to be the greatest and most highly civilized nations of all times. They failed also to perceive that, if the Græco-Roman republic did not include the whole territorial people in the political people, it yet recognized both the social and the territorial foundation of the state, and never attempted to rest it on pure individualism; they forgot, too, that Greece and Rome both fell, and fell precisely through internal weakness caused by the barbarism within, not through the force of the barbarism beyond their frontiers. The world has changed since the time when ten thousand of his slaves were sacrificed as a religious offering to the manes of a single Roman master. The infusion of the Christian dogma of the unity and solidarity of the race into the belief, the life, the laws, the jurisprudence of all civilized nations, has doomed slavery and every species of barbarism; but this our slaveholding countrymen saw not.

It rarely happens that in any controversy, individual or national, the real issue is distinctly presented, or the precise question in debate is clearly and distinctly understood by either party. Slavery was only incidentally involved in the late war. The war was occasioned by the collision of two extreme parties; but it was itself a war between civilization and barbarism, primarily between the territorial

democracy and the personal democracy, and in reality, on the part of the nation, as much a war against the socialism of the abolitionist as against the individualism of the slaveholder. Yet the victory, though complete over the former, is only half won over the latter, for it has left the humanitarian democracy standing, and perhaps for the moment stronger than ever. The socialistic democracy was enlisted by the territorial, not to strengthen the government at home, as it imagines, for that it did not do, and could not do, since the national instinct was even more opposed to it than to the personal democracy; but under its anti-slavery aspect, to soften the hostility of foreign powers, and ward off foreign intervention, which was seriously threatened. The populations of Europe, especially of France and England, were decidedly anti-slavery, and if the war here appeared to them a war, not solely for the unity of the nation and the integrity of its domain, as it really was, in which they took and could take no interest, but a war for the abolition of slavery, their governments would not venture to intervene. This was the only consideration that weighed with Mr. Lincoln, as he himself assured the author, and induced him to issue his emancipation proclamation; and Europe rejoices in our victory over the rebellion only so far as it has liberated the slaves, and honors the late president only as their supposed liberator, not as the preserver of the unity and integrity of the nation. This is natural enough abroad, and proves the wisdom of the anti-slavery policy of the government, which had become absolutely necessary to save the republic long before it was adopted; yet it is not as the emancipator of some two or three millions of slaves that the American patriot cherishes the memory of Abraham Lincoln, but, aided by the loyal people, generals of rare merit, and troops of unsurpassed bravery and endurance, as the saviour of the American state, and the protector of modern civilization. His anti-slavery policy served this end, and therefore was wise, but he adopted it with the greatest possible reluctance.

There were greater issues in the late war than negro slavery or negro freedom. That was only an incidental issue, as the really great men of the confederacy felt, who to save their cause were willing themselves at last to free and arm their own negroes, and perhaps were willing to do it even at first. This fact alone proves that they had, or believed they had, a far more important cause than the preservation of negro slavery. They fought for personal democracy,

under the form of state sovereignty, against social democracy; for personal freedom and independence against social or humanitarian despotism; and so far their cause was as good as that against which they took up arms; and if they had or could have fought against that, without fighting at the same time against the territorial, the real American, the only civilized democracy, they would have succeeded. It is not socialism nor abolitionism that has won; nor is it the North that has conquered. The Union itself has won no victories over the South, and it is both historically and legally false to say that the South has been subjugated. The Union has preserved itself and American civilization, alike for North and South, East and West. The armies that so often met in the shock of battle were not drawn up respectively by the North and South, but by two rival democracies, to decide which of the two should rule the future. They were the armies of two mutually antagonistic systems, and neither army was clearly and distinctly conscious of the cause for which it was shedding its blood; each obeyed instinctively a power stronger than itself, and which at best it but dimly discerned. On both sides the cause was broader and deeper than negro slavery, and neither the pro-slavery men nor the abolitionists have won. The territorial democracy alone has won, and won what will prove to be a final victory over the purely personal democracy, which had its chief seat in the southern states, though by no means confined to them. The danger to American democracy from that quarter is forever removed, and democracy *à la* Rousseau has received a terrible defeat throughout the world, though as yet it is far from being aware of it.

But in this world victories are never complete. The socialistic democracy claims the victory which has been really won by the territorial democracy, as if it had been socialism, not patriotism, that fired the hearts and nerved the arms of the brave men led by McClellan, Grant, and Sherman. The humanitarians are more dangerous in principle than the egoists, for they have the appearance of building on a broader and deeper foundation, of being more Christian, more philosophic, more generous and philanthropic; but Satan is never more successful than under the guise of an angel of light. His favorite guise in modern times is that of philanthropy. He is a genuine humanitarian, and aims to persuade the world that humanitarianism is Christianity, and

that man is God; that the soft and charming sentiment of philanthropy is real Christian charity; and he dupes both individuals and nations, and makes them do his work, when they believe they are earnestly and most successfully doing the work of God. Your leading abolitionists are as much affected by satanophany as your leading confederates, nor are they one whit more philosophical or less sophistical. The one loses the race, the other the individual, and neither has learned to apply practically that fundamental truth that there is never the general without the particular, nor the particular without the general, the race without the individuals, nor individuals without the race. The whole race was in Adam, and fell in him, as we are taught by the doctrine of original sin, or the sin of the race, and Adam was an individual, as we are taught in the fact that original sin was in him actual or personal sin.

The humanitarian is carried away by a vague generality, and loses men in humanity, sacrifices the rights of men in a vain endeavor to secure the rights of man, as your Calvinist or his brother Jansenist sacrifices the rights of nature in order to secure the freedom of grace. Yesterday he agitated for the abolition of slavery, to-day he agitates for negro suffrage, negro equality, and announces that when he has secured that he will agitate for female suffrage and the equality of the sexes, forgetting or ignorant that the relation of equality subsists only between individuals of the same sex; that God made the man the head of the woman, and the woman for the man, not the man for the woman. Having obliterated all distinction of sex in politics, in social, industrial, and domestic arrangements, he must go further, and agitate for equality of property. But since property, if recognized at all, will be unequally acquired and distributed, he must go further still, and agitate for the total abolition of property, as an injustice, a grievous wrong, a theft, with M. Proudhon, or the Englishman Godwin. It is unjust that one should have what another wants, or even more than another. What right have you to ride in your coach or astride your spirited barb while I am forced to trudge on foot? Nor can our humanitarian stop there. Individuals are, and as long as there are individuals will be, unequal: some are handsomer and some are uglier, some wiser or sillier, more or less gifted, stronger or weaker, taller or shorter, stouter or thinner than others, and therefore some have natural advantages which others have not. There is

inequality, therefore injustice, which can be remedied only by the abolition of all individualities, and the reduction of all individuals to the race, or humanity, man in general. He can find no limit to his agitation this side of vague generality, which is no reality, but a pure nullity, for he respects no territorial or individual circumscriptions, and must regard creation itself as a blunder. This is not fancy, for he has gone very nearly as far as it is here shown, if logical, he must go.

The danger now is that the Union victory will, at home and abroad, be interpreted as a victory won in the interest of social or humanitarian democracy. It was because they regarded the war waged on the side of the Union as waged in the interest of this terrible democracy, that our bishops and clergy sympathized so little with the government in prosecuting it; not, as some imagined, because they were disloyal, hostile to American or territorial democracy, or not heartily in favor of freedom for all men, whatever their race or complexion. They had no wish to see slavery prolonged, the evils of which they, better than any other class of men, knew, and more deeply deplored; none would have regretted more than they to have seen the Union broken up; but they held the socialistic or humanitarian democracy represented by northern abolitionists as hostile alike to the church and to civilization. For the same reason that they were backward or reserved in their sympathy, all the humanitarian sects at home and abroad were forward and even ostentatious in theirs. The Catholics feared the war might result in encouraging *la république démocratique et sociale;* the humanitarian sects trusted that it would. If the victory of the Union should turn out to be a victory for the humanitarian democracy, the civilized world will have no reason to applaud it.

That there is some danger that for a time the victory will be taken as a victory for humanitarianism or socialism, it would be idle to deny. It is so taken now, and the humanitarian party throughout the world are in ecstasies over it. The party claim it. The European socialists and red republicans applaud it, and the Mazzinis and the Garibaldis inflict on us the deep humiliation of their congratulations. A cause that can be approved by the revolutionary leaders of European liberals must be strangely misunderstood, or have in it some infamous element. It is no compliment to a nation to receive the congratulations of men who assert not only

people-king, but people-god; and those Americans who are delighted with them are worse enemies to the American democracy than ever were Jefferson Davis and his fellow conspirators, and more contemptible, as the swindler is more contemptible than the highwayman.

But it is probable the humanitarians have reckoned without their host. Not they are the real victors. When the smoke of battle has cleared away, the victory, it will be seen, has been won by the republic, and that that alone has triumphed. The abolitionists, in so far as they asserted the unity of the race and opposed slavery as a denial of that unity, have also won; but in so far as they denied the reality or authority of territorial and individual circumscriptions, followed a purely socialistic tendency, and sought to dissolve patriotism into a watery sentimentality called philanthropy, have in reality been crushingly defeated, as they will find when the late insurrectionary states are fully reconstructed. The southern or egoistical democrats, so far as they denied the unity and solidarity of the race, the rights of society over individuals, and the equal rights of each and every individual in face of the state, or the obligations of society to protect the weak and help the helpless, have been also defeated; but so far as they asserted personal or individual rights which society neither gives nor can take away, and so far as they asserted, not state sovereignty, but state rights, held independently of the general government, and which limit its authority and sphere of action, they share in the victory, as the future will prove.

European Jacobins, revolutionists, conspiring openly or secretly against all legitimate authority, whether in church or state, have no lot or part in the victory of the American people: not for them nor for men with their nefarious designs or mad dreams, have our brave soldiers fought, suffered, and bled for four years of the most terrible war in modern times, and against troops as brave and as well led as themselves; not for them has the country sacrificed a million of lives, and contracted a debt of four thousand millions of dollars, besides the waste and destruction that it will take years of peaceful industry to repair. They and their barbaric democracy have been defeated, and civilization has won its most brilliant victory in all history. The American democracy has crushed, actually or potentially, every species of barbarism in the New World, asserted victoriously the state, and placed the government definitively on the side of legiti-

mate authority, and made its natural association henceforth with all civilized governments—not with the revolutionary movements to overthrow them. The American people will always be progressive as well as conservative; but they have learned a lesson, which they much needed, against false democracy: civil war has taught them that "the sacred right of insurrection" is as much out of place in a democratic state as in an aristocratic or a monarchical state; and that the government should always be clothed with ample authority to arrest and punish whoever plots its destruction. They must never be delighted again to have their government send a national ship to bring hither a noted traitor to his own sovereign as the nation's guest. The people of the northern states are hardly less responsible for the late rebellion than the people of the southern states. Their press had taught them to call every government a tyranny that refused to remain quiet while the traitor was cutting its throat or assassinating the nation, and they had nothing but mad denunciations of the papal, the Austrian, and the Neapolitan governments for their severity against conspirators and traitors. But their own government has found it necessary for the public safety to be equally arbitrary, prompt, and severe, and they will most likely require it hereafter to coöperate with the governments of the Old World in advancing civilization, instead of lending all its moral support, as heretofore, to the Jacobins, revolutionists, socialists, and humanitarians, to bring back the reign of barbarism.

The tendency to individualism has been sufficiently checked by the failure of the rebellion, and no danger from the disintegrating element, either in the particular state or in the United States, is henceforth to be apprehended. But the tendency in the opposite direction may give the American state some trouble. This tendency now is, as to the Union, consolidation, and as to the particular state, humanitarianism, socialism, or centralized democracy. Yet this tendency, though it may do much mischief, will hardly become exclusive. The states that seceded, when restored, will always, even in abandoning state sovereignty, resist it, and still assert state rights. When these states are restored to their normal position, they will always be able to protect themselves against any encroachments on their special rights by the general government. The constitution, in the distribution of the powers of government, provides the states severally with ample means to protect their individuality against the central-

izing tendency of the general government, however strong it may be.

The war has, no doubt, had a tendency to strengthen the general government, and to cause the people, to a great extent, to look upon it as the supreme and exclusive national government, and to regard the several state governments as subordinate instead of coördinate governments. It is not improbable that the executive, since the outbreak of the rebellion, has proceeded throughout on that supposition, and hence his extraordinary assumptions of power; but when once peace is fully reëstablished, and the states have all resumed their normal position in the Union, every state will be found prompt enough to resist any attempt to encroach on its constitutional rights. Its instinct of self-preservation will lead it to resist, and it will be protected by both its own judiciary and that of the United States.

The danger that the general government will usurp the rights of the states is far less than the danger that the executive will usurp all the powers of congress and the judiciary. Congress, during the rebellion, clothed the president, as far as it could, with dictatorial powers, and these powers the executive continues to exercise even after the rebellion is suppressed. They were given and held under the rights of war, and for war purposes only, and expired by natural limitation when the war ceased; but the executive forgets this, and, instead of calling congress together and submitting the work of reconstruction of the states that seceded to its wisdom and authority, undertakes to reconstruct them himself, as if he were an absolute sovereign; and the people seem to like it. He might and should, as commander-in-chief of the army and navy, govern them as military departments, by his lieutenants, till congress could either create provisional civil governments for them or recognize them as self-governing states in the Union; but he has no right, under the constitution nor under the war power, to appoint civil governors, permanent or provisional; and every act he has done in regard to reconstruction is sheer usurpation, and done without authority and without the slightest plea of necessity. His acts in this respect, even if wise and just in themselves, are inexcusable, because done by one who has no legal right to do them. Yet his usurpation is apparently sustained by public sentiment, and a deep wound is inflicted on the constitution, which will be long in healing.

The danger in this respect is all the greater because it did

not originate with the rebellion, but had manifested itself for a long time before. There is a growing disposition on the part of congress to throw as much of the business of government as possible into the hands of the executive. The patronage the executive wields, even in times of peace, is so large that he has indirectly an almost supreme control over the legislative branch of the government. For this, which is, and, if not checked will continue to be, a growing evil, there is no obvious remedy, unless the president is chosen for a longer term of office and made ineligible for a second term, and the mischievous doctrine of rotation in office is rejected as incompatible with the true interests of the public. Here is matter for the consideration of the American statesman. But as to the usurpations of the executive in these unsettled times, they will be only temporary, and will cease when the states are all restored. They are abuses, but only temporary abuses, and the southern states, when restored to the Union, will resume their rights in their own sphere, as self-governing communities, and legalize or undo the unwarrantable acts of the federal executive.

The socialistic and centralizing tendency in the bosom of the individual states is the most dangerous, but it will not be able to become predominant; for philanthropy, unlike charity, does not begin at home, and is powerless unless it operates at a distance. In the states in which the humanitarian tendency is the strongest, the territorial democracy has its most effective organization. Prior to the outbreak of the rebellion the American people had asserted popular sovereignty, but had never rendered an account to themselves in what sense the people are or are not sovereign. They had never distinguished the three sorts of democracy from one another, asked themselves which of the three is the distinctively American democracy. For them, democracy was democracy, and those who saw dangers ahead sought to avoid them either by exaggerating one or the other of the two exclusive tendencies, or else by restraining democracy itself through restrictions on suffrage. The latter class began to distrust universal suffrage, to lose faith in the people, and to dream of modifying the American constitution so as to make it conform more nearly to the English model. The war has proved that they were wrong, for nothing is more certain than that the people have saved the national unity and integrity almost in spite of their government. The general government either was not disposed

or was afraid to take a decided stand against secession, till forced to do it by the people themselves. No wise American can henceforth distrust American democracy. The people may be trusted. So much is settled. But as the two extremes were equally democratic, as the secessionists acted in the name of popular sovereignty, and as the humanitarians were not unwilling to allow separation, and would not and did not engage in the war against secession for the sake of the Union and the integrity of the national domain, the conviction becomes irresistible that it was not democracy in the sense of either of the extremes that made the war and came out of it victorious; and hence the real American democracy must differ from them both, and is neither a personal nor a humanitarian, but a territorial democracy. The true idea of American democracy thus comes out, for the first time, freed from the two extreme democracies which have been identified with it, and henceforth enters into the understandings as well as the hearts of the people. The war has enlightened patriotism, and what was sentiment or instinct becomes reason—a well-defined, a clearly understood constitutional conviction.

In the several states themselves there are many things to prevent the socialistic tendency from becoming exclusive. In the states that seceded socialism has never had a foothold, and will not gain it, for it is resisted by all the sentiments, convictions, and habits of the southern people, and the southern people will not be exterminated nor swamped by migrations either from the North or from Europe. They are and always will be an agricultural people, and an agricultural people are and always will be opposed to socialistic dreams, unless unwittingly led for a moment to favor it in pursuit of some special object in which they take a passionate interest. The worst of all policies is that of hanging, exiling, or disfranchising the wealthy landholders of the South, in order to bring up the poor and depressed whites, shadowed forth in the executive proclamation of the 29th of May, 1865. Of course that policy will not be carried out, and if the negroes are enfranchised, they will always vote with the wealthy landholding class, and aid them in resisting all socialistic tendencies. The humanitarians will fail for the want of a good social grievance against which they can declaim.

In the New-England states the humanitarian tendency is strong as a speculation, but only in relation to objects at a

distance. It is aided much by the congregational constitution of their religion; yet it is weak at home, and is resisted practically by the territorial division of power. New England means Massachusetts, and nowhere is the subdivision of the powers of government carried further, or the constitution of the territorial democracy more complete, than in that state. Philanthropy seldom works in private against private vices and evils: it is effective only against public grievances, and the further they are from home and the less its right to interfere with them, the more in earnest and the more effective for evil does it become. Its nature is to mind every one's business but its own. But now that slavery is abolished, there is nowhere in the United States a social grievance of magnitude enough to enlist any considerable number of the people, even of Massachusetts, in a movement to redress it. Negro enfranchisement is a question of which the humanitarians can make something, and they will make the most of it; but as it is a question that each state will soon settle for itself, it will not serve their purpose of prolonged agitation. They could not and never did carry away the nation, even on the question of slavery itself, and abolitionism had comparatively little direct influence in abolishing slavery; and the exclusion of negro suffrage can never be made to appear to the American people as any thing like so great a grievance as was slavery.

Besides, in all the states that did not secede, Catholics are a numerous and an important portion of the population. Their increasing numbers, wealth, and education secure them, as much as the majority may dislike their religion, a constantly increasing influence, and it is idle to leave them out in counting the future of the country. They will, in a very few years, be the best and most thoroughly educated class of the American people; and, aside from their religion, or rather, in consequence of their religion, the most learned, enlightened, and intelligent portion of the American population; and as much as they have disliked the abolitionists, they have, in the army and elsewhere, contributed their full share to the victory the nation has won. The best things written on the controversy have been written by Catholics, and Catholics are better fitted by their religion to comprehend the real character of the American constitution than any other class of Americans, the moment they study it in the light of their own theology. The American constitution is based on that of natural society, on the solidarity of the

race, and the difference between natural society and the church or Christian society is, that the one is initial and the other teleological. The law of both is the same; Catholics, as such, must resist both extremes, because each is exclusive, and whatever is exclusive or one-sided is uncatholic. If they have been backward in their sympathy with the government, it has been through their dislike of the puritanic spirit and the humanitarian or socialistic elements they detected in the Republican party, joined with a prejudice against political and social negro equality. But their church everywhere opposes the socialistic movements of the age, all movements in behalf of barbarism, and they may always be counted on to resist the advance of the socialistic democracy. If the country has had reason to complain of some of them in the late war, it will have, in the future, far stronger reason to be grateful; not to them, indeed, for the citizen owes his life to his country, but to their religion, which has been and is the grand protectress of modern society and civilization.

From the origin of the government there has been a tendency to the extension of suffrage, and to exclude both birth and private property as bases of political rights or franchises. This tendency has often been justified on the ground that the elective franchise is a natural right; which is not true, because the elective franchise is a political power, and political power is always a civil trust, never a natural right, and the state judges for itself to whom it will or will not confide the trust; but there can be no doubt that it is a normal tendency, and in strict accordance with the constitution of American civil society, which rests on the unity of the race, and public instead of private property. All political distinctions founded on birth, race, or private wealth are anomalies in the American system, and are necessarily eliminated by its normal developments. To contend that none but property-holders may vote, or none but persons of a particular race may be enfranchised, is un-American and contrary to the order of civilization the New World is developing. The only qualification for the elective franchise the American system can logically insist on is that the elector belong to the territorial people—that is, be a natural-born or a naturalized citizen, be a major in full possession of his natural faculties, and unconvicted of any infamous offence. The state is free to naturalize foreigners or not, and under such restrictions as it judges proper; but, having naturalized them,

it must treat them as standing on the same footing with natural-born citizens.

The naturalization question is one of great national importance. The migration of foreigners hither has added largely to the national population, and to the national wealth and resources, but less, perhaps, to the development of patriotism, the purity of elections, or the wisdom and integrity of the government. It is impossible that there should be perfect harmony between the national territorial democracy and individuals born, brought up, and formed under a political order in many respects widely different from it; and there is no doubt that the democracy, in its objectionable sense, has been greatly strengthened by the large infusion of naturalized citizens. There can be no question that, if the laboring classes, in whom the national sentiment is usually the strongest, had been composed almost wholly of native Americans, instead of being, as they were, at least in the cities, large towns, and villages, composed almost exclusively of persons foreign born, the government would have found far less difficulty in filling up the depleted ranks of its armies. But to leave so large a portion of the actual population as the foreign-born residing in the country without the rights of citizens, would have been a far graver evil, and would, in the late struggle, have given the victory to secession. There are great national advantages derived from the migration hither of foreign labor, and if the migration be encouraged or permitted, naturalization on easy and liberal terms is the wisest, the best, and only safe policy. The children of foreign-born parents are real Americans.

Emigration has, also, a singular effect in developing the latent powers of the emigrant, and the children of emigrants are usually more active, more energetic than the children of the older inhabitants of the country among whom they settle. Some of our first men in civil life have been sons of foreign-born parents, and so are not a few of our greatest and most successful generals. The most successful of our merchants have been foreign-born. The same thing has been noticed elsewhere, especially in the emigration of the French Huguenots to Holland, Germany, England, and Ireland. The immigration of so many millions from the Old World has, no doubt, given to the American people much of their bold, energetic, and adventurous character, and made them a superior people on the whole to what they would otherwise have been. This has nothing to do with superiority or in-

feriority of race or blood, but is a natural effect of breaking men away from routine, and throwing them back on their own individual energies and personal resources.

Resistance is offered to negro suffrage, and justly too, till the recently emancipated slaves have served an apprenticeship to freedom; but that resistance cannot long stand before the onward progress of American democracy, which asserts equal rights for all, and not for a race or class only. Some would confine suffrage to landholders, or, at least, to property-holders; but that is inconsistent with the American idea, and is a relic of the barbaric constitution which founds power on private instead of public wealth. Nor are property-owners a whit more likely to vote for the public good than are those who own no property but their own labor. The men of wealth, the business men, manufacturers and merchants, bankers and brokers, are the men who exert the worst influence on government in every country, for they always strive to use it as an instrument of advancing their own private interests. They act on the beautiful maxim, "Let government take care of the rich, and the rich will take care of the poor," instead of the far safer maxim, "Let government take care of the weak, the strong can take care of themselves." Universal suffrage is better than restricted suffrage, but even universal suffrage is too weak to prevent private property from having undue political influence.

The evils attributed to universal suffrage are not inseparable from it, and, after all, it is doubtful if it elevates men of an inferior class to those elevated by restricted suffrage. The congress of 1860, or of 1862, was a fair average of the wisdom, the talent, and the virtue of the country, and not inferior to that of 1776, or that of 1789; and the executive during the rebellion was at least as able and as efficient as it was during the war of 1812, far superior to that of Great Britain, and not inferior to that of France during the Crimean war. The Crimean war developed and placed in high command, either with the English or the French, no generals equal to Halleck, Grant, and Sherman, to say nothing of others. The more aristocratic South proved itself, in both statesmanship and generalship, in no respect superior to the territorial democracy of the North and West.

The great evil the country experiences is not from universal suffrage, but from what may be called rotation in office. The number of political aspirants is so great that, in the northern and western states especially, the represent-

atives in congress are changed every two or four years, and a member, as soon as he has acquired the experience necessary to qualify him for his position, is dropped, not through the fickleness of his constituency, but to give place to another whose aid had been necessary to his first or second election. Employés are "rotated," not because they are incapable or unfaithful, but because there are others who want their places. This is all bad, but it springs not from universal suffrage, but from a wrong public opinion, which might be corrected by the press, but which is mainly formed by it. There is, no doubt, a due share of official corruption, but not more than elsewhere, and that would be much diminished by increasing the salaries of the public servants, especially in the higher offices of the government, both general and state. The pay to the lower officers and employés of the government, and to the privates and non-commissioned officers in the army, is liberal, and, in general, too liberal; but the pay of the higher grades in both the civil and military service is too low, and relatively far lower than it was when the government was first organized.

The worst tendency in the country, and which is not encouraged at all by the territorial democracy, manifests itself in hostility to the military spirit and a standing army. The depreciation of the military spirit comes from the humanitarian or sentimental democracy, which, like all sentimentalisms, defeats itself, and brings about the very evils it seeks to avoid. The hostility to standing armies is inherited from England, and originated in the quarrels between king and parliament, and is a striking evidence of the folly of that bundle of antagonistic forces called the British constitution. In feudal times most of the land was held by military service, and the reliance of government was on the feudal militia; but no real progress was made in eliminating barbarism till the national authority got a regular army at its command, and became able to defend itself against its enemies. It is very doubtful if English civilization has not, upon the whole, lost more than it has gained by substituting parliamentary for royal supremacy, and exchanging the Stuarts for the Guelfs.

No nation is a living, prosperous nation that has lost the military spirit, or in which the profession of the soldier is not held in honor and esteem; and a standing army of reasonable size is public economy. It absorbs in its ranks a class of men who are worth more there than anywhere else; it cre-

ates honorable places for gentlemen or the sons of gentlemen without wealth, in which they can serve both themselves and their country. Under a democratic government the most serious embarrassment to the state is its gentlemen, or persons not disposed or not fitted to support themselves by their own hands, more necessary in a democratic government than in any other. The civil service, divinity, law, and medicine, together with literature, science, and art, cannot absorb the whole of this ever-increasing class, and the army and navy would be an economy and a real service to the state were they maintained only for the sake of the rank and position they give to their officers, and the wholesome influence these officers would exert on society and the politics of the country—this even in case there were no wars or apprehension of wars. They supply an element needed in all society, to sustain it in the chivalric and heroic spirit, perpetually endangered by the mercantile and political spirit, which has in it always something low and sordid.

But wars are inevitable, and when a nation has no surrounding nations to fight, it will, as we have just proved, fight itself. When it can have no foreign war, it will get up a domestic war; for the human animal, like all animals, must work off in some way its fighting humor, and the only sure way of maintaining peace is always to be prepared for war. A regular standing army of forty thousand men would have prevented the Mexican war, and an army of fifty thousand well-disciplined and efficient troops at the command of the president on his inauguration in March, 1861, would have prevented the rebellion, or have instantly suppressed it. The cost of maintaining a land army of even a hundred thousand men, and a naval force to correspond, would have been, in simple money value, only a tithe of what the rebellion has cost the nation, to say nothing of the valuable lives that have been sacrificed—for the losses on the rebel side, as well as those on the side of the government, are equally to be counted. The actual losses to the country have been not less than six or eight thousand millions of dollars, or nearly one-half the assessed value of the whole property of the United States, according to the census returns of 1860, and which has only been partially cancelled by actual increase of property since. To meet the interest on the debt incurred will require a heavier sum to be raised annually by taxation, twice over, without discharging a cent of the principal, than would have been necessary to maintain an army and navy adequate

to the protection of peace and the prevention of the rebellion.

The rebellion is now suppressed, and if the government does not blunder much more in its civil efforts at pacification than it did in its military operations, before 1868 things will settle down to their normal order; but a regular army —not militia or volunteers, who are too expensive—of at least a hundred thousand men of all arms, and a navy nearly as large as that of England or France, will be needed as a peace establishment. The army of a hundred thousand men must form a cadre of an army of three times that number, which will be necessary to place the army on a war footing. Less will answer neither for peace nor war, for the nation has, in spite of herself, to maintain henceforth the rank of a first-class military and maritime power, and take a leading part in political movements of the civilized world, and to a great extent, hold in her hand the peace of Europe.

Canning boasted that he had raised up the New World to redress the balance of the Old: a vain boast, for he simply weakened Spain and gave the hegemony of Europe to Russia, which the emperor of the French is trying, by strengthening Italy and Spain, and by a French protectorate in Mexico, to secure to France, both in the Old World and the New —a magnificent dream, but not to be realized. His uncle judged more wisely when he sold Louisiana, left the New World to itself, and sought only to secure to France the hegemony of the Old. But the hegemony of the New World henceforth belongs to the United States, and she will have a potent voice in adjusting the balance of power even in Europe. To maintain this position, which is imperative on her, she must always have a large armed force, either on foot or in reserve, which she can call out and put on a war footing at short notice. The United States must henceforth be a great military and naval power, and the old hostility to a standing army, and the old attempt to bring the military into disrepute must be abandoned, and the country yield to its destiny.

Of the several tendencies mentioned, the humanitarian tendency, egoistical at the South, detaching the individual from the race, and socialistic at the North, absorbing the individual in the race, is the most dangerous. The egoistical form is checked, sufficiently weakened by the defeat of the rebels; but the social form believes that it has triumphed, and that individuals are effaced in society, and the states in

the Union. Against this, more especially should public opinion and American statesmanship be now directed, and territorial democracy and the division of the powers of government be asserted and vigorously maintained. The danger is that while this socialistic form of democracy is conscious of itself, the territorial democracy has not yet arrived, as the Germans say, at self consciousness—*Selbstbewusstseyn*—and operates only instinctively. All the dominant theories and sentimentalities are against it, and it is only Providence that can sustain it.

## CHAPTER XV.—DESTINY—POLITICAL AND RELIGIOUS.

It has been said in the Introduction to this essay that every living nation receives from Providence a special work or mission in the progress of society, to accomplish which is its destiny, or the end for which it exists; and that the special mission of the United States is to continue and complete in the political order the Græco-Roman civilization.

Of all the states or colonies on this continent, the American republic alone has a destiny, or the ability to add any thing to the civilization of the race. Canada and the other British provinces, Mexico and Central America, Colombia and Brazil, and the rest of the South American states, might be absorbed in the United States without being missed by the civilized world. They represent no idea, and the work of civilization could go on without them as well as with them. If they keep up with the progress of civilization, it is all that can be expected of them. France, England, Germany, and Italy might absorb the rest of Europe, and all Asia and Africa, without withdrawing a single laborer from the work of advancing the civilization of the race; and it is doubtful if these nations themselves can severally or jointly advance it much beyond the point reached by the Roman empire, except in abolishing slavery and including in the political people the whole territorial people. They can only develop and give a general application to the fundamental principles of the Roman constitution. That indeed is much, but it adds no new element nor new combination of preëxisting elements. But nothing of this can be said of the United States.

In the Græco-Roman civilization is found the state proper, and the great principle of the territorial constitution of

power, instead of the personal or the genealogical, the patriarchal or the monarchical; and yet with true civil or political principles it mixed up nearly all the elements of the barbaric constitution. The gentile system of Rome recalls the patriarchal, and the relation that subsisted between the patron and his clients has a striking resemblance to that which subsists between the feudal lord and his retainers, and may have had the same origin. The three tribes, Ramnes, Quirites, and Luceres, into which the Roman people were divided before the rise of the plebs, may have been, as Niebuhr contends, local not genealogical, in their origin, but they were not strictly territorial distinctions, and the division of each tribe into a hundred houses or gentes was not local, but personal, if not, as the name implies, genealogical. No doubt the individuals or families composing the house or gens were not all of kindred blood, for the oriental custom of adoption, so frequent with our North American Indians, and with all people distributed into tribes, septs, or clans, obtained with the Romans. The adopted member was considered a child of the house, and took its name and inherited its goods. Whether, as Niebuhr maintains, all the free gentiles of the three tribes were called patres or patricians, or whether the term was restricted to the heads of houses, it is certain that the head of the house represented it in the senate, and the vote in the curies was by houses, not by individuals *en masse*. After all, practically the Roman senate was hardly less an estate than the English house of lords, for no one could sit in it unless a landed proprietor and of noble blood. The plebs, though outside of the political people proper, as not being included in the three tribes, when they came to be a power in the republic under the emperors, and the old distinction of plebs and patricians was forgotten, were an estate, and not a local or territorial people.

The republican element was in the fact that the land, which gave the right to participate in political power, was the domain of the state, and the tenant held it from the state. The domain was vested in the state, not in the senator nor the prince, and was therefore *respublica*, not private property—the first grand leap of the human race from barbarism. In all other respects the Roman constitution was no more republican than the feudal. Athens went further than Rome, and introduced the principle of territorial democracy. The division into demes or wards, whence comes the word

*democracy*, was a real territorial division, not personal nor genealogical. And if the equality of all men was not recognized, all who were included in the political class stood on the same footing. Athens and other Greek cities, though conquered by Rome, exerted after their conquest a powerful influence on Roman civilization, which became far more democratic under the emperors than it had been under the patrician senate, which the assassins of Julius Cæsar, and the superannuated conservative party they represented, tried so hard to preserve. The senate and the consulship were opened to the representatives of the great plebeian houses, and the provincials were clothed with the rights of Roman citizens, and uniform laws were established throughout the empire.

The grand error, as has already been said, of the Græco-Roman or gentile civilization, was in its denial or ignorance of the unity of the human race, as well as the unity of God, and in its including in the state only a particular class of the territorial people, while it held all the rest as slaves, though in different degrees of servitude. It recognized and sustained a privileged class, a ruling order; and if, as subsequently did the Venetian aristocracy, it recognized democratic equality within that order, it held all outside of it to be less than men and without political rights. Practically, power was an attribute of birth and of private wealth. Suffrage was almost universal among freemen, but down almost to the empire, the people voted by orders, and were counted, not numerically, but by the rank of the order, and the *comitia curiata* could always carry the election over the *comitia centuriata*, and thus power remained always in the hands of the rich and noble few.

The Roman law, as digested by jurists under Justinian in the sixth century, indeed, recognizes the unity of the race, asserts the equality of all men by the natural law, and undertakes to defend slavery on principles not incompatible with that equality. It represents it as a commutation of the punishment of death, which the emperor has the right to inflict on captives taken in war, to perpetual servitude; and as servitude is less severe than death, slavery was really a proof of imperial clemency. But it has never yet been proved that the emperor has the right under the natural law to put captives taken even in a just war to death, and the Roman poet himself bids us "humble the proud, but spare the submissive." In a just war the emperor may kill on the battle-field those in arms against him, but the *jus gentium*,

as now interpreted by the jurisprudence of every civilized nation, does not allow him to put them to death after they have ceased resistance, have thrown down their arms, and surrendered. But even if it did, it gives him a right only over the persons captured, not over their innocent children, and therefore no right to establish hereditary slavery, for the child is not punishable for the offences of the parent. The law, indeed, assumed that the captive ceased to exist as a person and treated him as a thing, or mere property of the conqueror; and being property, he could beget only property, which would accrue only to his owner. But there is no power in heaven or earth that can make a person a thing, a mere piece of merchandise, and it is only by a clumsy fiction, or rather by a barefaced lie, that the law denies the slave his personality and treats him as a thing. If the unity of the race and the brotherhood of all men had been clearly seen and vividly felt, the law would never have attempted to justify perpetual slavery on the ground of its penal character, or indeed on any ground whatever. All men are born under the law of nature with equal rights, and the civil law can justly deprive no man of his liberty, but for a crime, committed by him personally, that justly forfeits his liberty to society.

These defects of the Græco-Roman civilization the European nations have in part remedied, and may completely remedy. They can carry out practically the Christian dogma of the unity of the human race, abolish slavery in every form, make all men equal before the law, and the political people commensurate with the territorial people. Indeed, France has already done it. She has abolished slavery, villenage, serfage, political aristocracy, asserted the equality of all men before the law, vindicated the sovereignty of the people, and established universal suffrage, complete social and territorial democracy. The other nations may do as much, but hardly can any of them do more or advance further. Yet in France, territorial democracy the most complete results only in establishing the most complete imperial centralism, usually called cæsarism.

The imperial constitution of France recognizes that the emperor reigns "by the grace of God and the will of the nation," and therefore, that by the grace of God and the will of the nation he may cease to reign; but while he reigns he is supreme, and his will is law. The constitution imposes no real or effective restraint on his power: while he sits upon

the throne he is practically France, and the ministers are his clerks; the council of state, the senate, and the legislative body are merely his agents in governing the nation. This may, indeed, be changed, but only to substitute for imperial centralism democratic centralism, which were no improvement, or to go back to the system of antagonisms, checks, and balances, called constitutionalism, or parliamentary government, of which Great Britain is the model, and which were a return toward barbarism, or mediæval feudalism.

The human race has its life in God, and tends to realize in all orders the divine Word or Logos, which is logic itself, and the principle of all conciliation, of the dialectic union of all opposites or extremes. Mankind will be logical; and the worst of all tyrannies is that which forbids them to draw from their principles their last logical consequences, or that prohibits them the free explication and application of the divine idea, in which consists their life, their progress. Such tyranny strikes at the very existence of society, and wars against the reality of things. It is supremely sophistical, and its success is death; for the universe in its constitution is supremely logical, and man, individually and socially, is rational. God is the author and type of all created things; and all creatures, each in its order, imitates or copies the divine being, who is intrinsically Father, Son, and Holy Ghost, principle, medium, and end. The Son or Word is the medium, which unites the two extremes, whence God is living God—a real, active, living being—living, concrete, not abstract or dead unity, like the unity of old Xenophanes, Plotinus, and Proclus. In the holy Trinity is the principle and prototype of all society, and what is called the solidarity of the race is only the outward expression, or copy in the external order, of what theologians term the circumsession of the three divine persons of the Godhead.

Now, human society, when it copies the divine essence and nature either in the distinction of persons alone, or in the unity alone, is sophistical, and wants the principle of all life and reality. It sins against God, and must fail of its end. The English system, which is based on antagonistic elements, on opposites, without the middle term that conciliates them, unites them, and makes them dialectically one, copies the divine model in its distinctions alone, which, considered alone, are opposites and contraries. It denies, if Englishmen could but see it, the unity of God. The French, or imperial system, which excludes the extremes, instead of

uniting them, denies all opposites, instead of conciliating them—denies the distinctions in the model, and copies only the unity, which is the supreme sophism called pantheism. The English constitution has no middle term, and the French no extremes, and each in its way denies the divine Trinity, the original basis and type of the syllogism. The human race can be contented with neither, for neither allows it free scope for its inherent life and activity. The English system tends to pure individualism; the French to pure socialism or despotism, each endeavoring to suppress an element of the one living and indissoluble TRUTH.

This is not fancy, is not fine-spun speculation, or cold and lifeless abstraction, but the highest theological and philosophical truth, without which there were no reason, no man, no society; for God is the first principle of all being, all existence, all science, all life, and it is in him that we live and move and have our being. God is at the beginning, in the middle, and at the end of all things—the universal principle, medium, and end; and no truth can be denied without his existence being directly or indirectly impugned. In a deeper sense than is commonly understood is it true that *nisi Dominus ædificaverit domum, in vanum laboraverunt qui ædificant eam.* The English constitution is composed of contradictory elements, incapable of reconciliation, and each element is perpetually struggling with the other for the mastery. For a long time the king labored, intrigued, and fought to free himself from the thraldom in which he was held by the feudal barons; in 1688 the aristocracy and people united and humbled the crown; and now the people are at work seeking to sap both the crown and the nobles. The state is constituted to nobody's satisfaction; and though all may unite in boasting its excellences, all are at work trying to alter or amend it. The work of constituting the state with the English is ever beginning, never ending. Hence the eternal clamor for parliamentary reform.

Great Britain and other European states may sweep away all that remains of feudalism, include the whole territorial people with the equal rights of all in the state or political people, concede to birth and wealth no political rights, but they will by so doing only establish either imperial centralism, as has been done in France, or democratic centralism, clamored for, conspired for, and fought for by the revolutionists of Europe. The special merit of the American system is not in its democracy alone, as too many at home

and abroad imagine; but along with its democracy in the division of the powers of government, between a general government and particular state governments, which are not antagonistic governments, for they act on different matters, and neither is nor can be subordinated to the other.

Now, this division of power, which decentralizes the government without creating mutually hostile forces, can hardly be introduced into any European state. There may be a union of states in Great Britain, in Germany, in Italy, perhaps in Spain, and Austria is laboring hard to effect it in her heterogeneous empire; but the union possible in any of them is that of a Bund or confederation, like the Swiss or German Bund, similar to what the secessionists in the United States so recently attempted and have so signally failed to establish. An intelligent confederate officer remarked that their confederacy had not been in operation three months before it became evident that the principle on which it was founded, if not rejected, would insure its defeat. It was that principle of state sovereignty, for which the states seceded, more than the superior resources and numbers of the government, that caused the collapse of the confederacy. The numbers were relatively about equal, and the military resources of the confederacy were relatively not much inferior to those of the government. So at least the confederate leaders thought, and they knew the material resources of the government as well as their own, and had calculated them with as much care and accuracy as any men could. Foreign powers also, friendly as well as unfriendly, felt certain that the secessionists would gain their independence, and so did a large part of the people even of the loyal states. The failure is due to the disintegrating principle of state sovereignty, the very principle of the confederacy. The war has proved that united states are, other things being equal, an overmatch for confederated states.

The European states must unite either as equals or as unequals. As equals, the union can be only a confederacy, a sort of Zollverein, in which each state retains its individual sovereignty; if as unequals, then some one among them will aspire to the hegemony, and you have over again the Athenian confederation, formed at the conclusion of the Persian war, and its fate. A union like the American cannot be created by a compact, or by the exercise of supreme power. The emperor of the French cannot erect the several departments of France into states, and divide the powers of

government between them as individual and as united states. They would necessarily hold from the imperial government, which, though it might exercise a large part of its functions through them, would remain, as now, the supreme central government, from which all governmental powers emanate, as our president is apparently attempting, in his reconstruction policy, to make the government of the United States. The elements of a state constituted like the American do not exist in any European nation, nor in the constitution of European society; and the American constitution would have been impracticable even here had not Providence so ordered it that the nation was born with it, and has never known any other.

Rome recognized the necessity of the federal principle, and applied it in the best way she could. At first it was a single tribe or people distributed into distinct gentes or houses; after the Sabine war, a second tribe was added on terms of equality, and the state was dual, composed of two tribes, the Ramnes and the Tities or Quirites, and, afterward, in the time of Tullus Hostilius, were added the Lucertes or Luceres, making the division into three ruling tribes, each divided into one hundred houses or gentes. Each house in each tribe was represented by its chief or decurion in the senate, making the number of senators exactly three hundred, at which number the senate was fixed. Subsequently was added, by Ancus, the plebs, who remained without authority or share in the government of the city of Rome itself, though they might aspire to the first rank in the allied cities. The division into tribes, and the division of the tribes into gentes or houses, and the vote in the state by tribes, and in the tribes by houses, effectually excluded democratic centralism; but the division was not a division of the powers of government between two coördinate governments, for the senate had supreme control, like the British parliament, over all matters, general and particular.

The establishment, after the secession of the plebs, of the tribunitial veto, which gave the plebeians a negative power in the state, was an incipient division of the powers of government; but only a division between the positive and negative powers, not between the general and the particular. The power accorded to the plebs, or commons, as Niebuhr calls them—who is, perhaps, too fond of explaining the early constitution of Rome by analogies borrowed from feudalism, and especially from the constitution of his native

Ditmarsch—was simply an obstructive power; and when it, by development, became a positive power, it absorbed all the powers of government, and created the empire.

There was, indeed, a nearer approach to the division of powers in the American system, between imperial Rome and her allied or confederated municipalities. These municipalities, modelled chiefly after that of Rome, were elective, and had the management of their own local affairs; but their local powers were not coördinate in their own sphere with those exercised by the Roman municipality, but subordinate and dependent. The senate had the supreme power over them, and they held their rights subject to its will. They were formally, or virtually, subjugated states, to which the Roman senate, and afterward the Roman emperors, left the form of the state and the mere shadow of freedom. Rome owed much to her affecting to treat them as allies rather than as subjects, and at first these municipal organizations secured the progress of civilization in the provinces; but at a later period, under the emperors, they served only the imperial treasury, and were crushed by the taxes imposed and the contributions levied on them by the fiscal agents of the empire. So heavy were the fiscal burdens imposed on the burgesses, if the term may be used, that it needed an imperial edict to compel them to enter the municipal government; and it became, under the later emperors, no uncommon thing for free citizens to sell themselves into slavery, to escape the fiscal burdens imposed. There are actually imperial edicts extant forbidding freemen to sell themselves as slaves. Thus ended the Roman federative system, and it is difficult to discover in Europe the elements of a federative system that could have a more favorable result.

Now, the political destiny or mission of the United States is, in common with the European nations, to eliminate the barbaric elements retained by the Roman constitution, and specially to realize that philosophical division of the powers of government which distinguishes it from both imperial and democratic centralism on the one hand, and, on the other, from the checks and balances or organized antagonisms which seek to preserve liberty by obstructing the exercise of power. No greater problem in statesmanship remains to be solved, and no greater contribution to civilization to be made. Nowhere else than in this New World, and in this New World only in the United States, can this problem be

solved, or this contribution be made, and what the Græco-Roman republic began be completed.

But the United States have a religious as well as a political destiny, for religion and politics go together. Church and state, as governments, are separate indeed, but the principles on which the state is founded have their origin and ground in the spiritual order—in the principles revealed or affirmed by religion—and are inseparable from them. There is no state without God, any more than there is a church without Christ or the incarnation. An atheist may be a politician, but if there were no God there could be no politics. Theological principles are the basis of political principles. The created universe is a dialectic whole distinct but inseparable from its Creator, and all its parts cohere and are essential to one another. All has its origin and prototype in the triune God, and throughout expresses unity in triplicity and triplicity in unity, without which there is no real being and no actual or possible life. Every thing has its principle, medium, and end. Natural society is initial, civil government is medial, the church is teleological, but the three are only distinctions in one indissoluble whole.

Man, as we have seen, lives by communion with God through the divine creative act, and is perfected or completed only through the incarnation, in Christ, the Word made flesh. True, he communes with God through his kind, and through external nature, society in which he is born and reared, and property through which he derives sustenance for his body; but these are only media of his communion with God, the source of life—not either the beginning or the end of his communion. They have no life in themselves, since their being is in God, and, of themselves can impart none. They are in the order of second causes, and second causes, without the first cause, are naught. Communion which stops with them, which takes them as a principle and end, instead of media, as they are, is the communion of death, not of life. As religion includes all that relates to communion with God, it must in some form be inseparable from every living act of man, both individually and socially; and, in the long run, men must conform either their politics to their religion or their religion to their politics. Christianity is constantly at work, moulding political society in its own image and likeness, and every political system struggles to harmonize Christi-

anity with itself. If, then, the United States have a political destiny, they have a religious destiny inseparable from it.

The political destiny of the United States is to conform the state to the order of reality, or, so to speak, to the divine idea in creation. Their religious destiny is to render practicable and to realize the normal relations between church and state, religion and politics, as concreted in the life of the nation.

In politics, the United States are not realizing a political theory of any sort whatever. They, on the contrary, are successfully refuting all political theories, making away with them, and establishing the state—not on a theory, not on an artificial basis or a foundation laid by human reason or will, but on reality, the eternal and immutable principles in relation to which man is created. They are doing the same in regard to religious theories. Religion is not a theory, a subjective view, an opinion, but is, objectively, at once a principle, a law, and a fact, and, subjectively, it is, by the aid of God's grace, practical conformity to what is universally true and real. The United States, in fulfilment of their destiny, are making as sad havoc with religious theories as with political theories, and are pressing on with irresistible force to the real or the divine order which is expressed in the Christian mysteries, which exists independent of man's understanding and will, and which man can neither make nor unmake.

The religious destiny of the United States is not to create a new religion nor to found a new church. All real religion is catholic, and is neither new nor old, but is always and everywhere true. Even our Lord came neither to found a new church nor to create a new religion, but to do the things which had been foretold, and to fulfil in time what had been determined in eternity. God has himself founded the church on catholic principles, or principles always and everywhere real principles. His church is necessarily catholic, because founded on catholic dogmas, and the dogmas are catholic because they are universal and immutable principles, having their origin and ground in the divine Being himself, or in the creative act by which he produces and sustains all things. Founded on universal and immutable principles, the church can never grow old or obsolete, but is the church for all times and places, for all ranks and conditions of men. Man cannot change either the church or the dogmas of faith, for they are founded in the highest reality, which is above him,

over him, and independent of him. Religion is above and independent of the state, and the state has nothing to do with the church or her dogmas, but to accept and conform to them as it does to any of the facts or principles of science, to a mathematical truth, or to a physical law.

But while the church, with her essential constitution, and her dogmas are founded in the divine order, and are catholic and unalterable, the relations between the civil and ecclesiastical authorities may be changed or modified by the changes of time and place. These relations have not been always the same, but have differed in different ages and countries. During the first three centuries of our era the church had no legal *status*, and was either connived at or persecuted by the state. Under the Christian emperors she was recognized by the civil law; her prelates had exclusive jurisdiction in mixed civil and ecclesiastical questions, and were made, in some sense, civil magistrates, and paid as such by the empire. Under feudalism, the prelates received investiture as princes and barons, and formed alone, or in connection with the temporal lords, an estate in the kingdom. The pope became a temporal prince and suzerain, at one time, of a large part of Europe, and exercised the arbitratorship in all grave questions between Christian sovereigns themselves, and between them and their subjects. Since the downfall of feudalism and the establishment of modern centralized monarchy, the church has been robbed of the greater part of her temporal possessions, and deprived, in most countries, of all civil functions, and treated by the state either as an enemy or as a slave.

In all the sectarian and schismatic states of the Old World, the national church is held in strict subjection to the civil authority, as in Great Britain and Russia, and is the slave of the state; in other states of Europe, as France, Austria, Spain, and Italy, she is treated with distrust by the civil government, and allowed hardly a shadow of freedom and independence. In France, which has the proud title of eldest daughter of the church, Catholics, as such, are not freer than they are in Turkey. All religions are said to be free, and all are free, except the religion of the majority of Frenchmen. The emperor, because nominally a Catholic, takes it upon himself to concede the church just as much and just as little freedom in the empire as he judges expedient for his own secular interests. In Italy, Spain, Portugal, Mexico, and the Central and South American states, the policy of the civil

authorities is the same, or worse. It may be safely asserted that, except in the United States, the church is either held by the civil power in subjection, or treated as an enemy. The relation is not that of union and harmony, but that of antagonism, to the grave detriment of both religion and civilization.

It is impossible, even if it were desirable, to restore the mixture of civil and ecclesiastical governments which obtained in the middle ages; and a total separation of church and state, even as corporations, would, in the present state of men's minds in Europe, be construed, if approved by the church, into a sanction by her of political atheism, or the right of civil power to govern according to its own will and pleasure in utter disregard of the law of God, the moral order, or the immutable distinction between right and wrong. It could only favor the absolutism of the state, and put the temporal in the place of the spiritual. Hence, the Holy Father includes the proposition of the entire separation of church and state in the syllabus of errors condemned in his encyclical, dated at Rome, December 8, 1864. Neither the state nor the people, elsewhere than in the United States, can understand practically such separation in any other sense than the complete emancipation of our entire secular life from the law of God, or the divine order, which is the real order. It is not the union of church and state—that is, the union, or identity rather, of religious and political principles —that it is desirable to get rid of, but the disunion or antagonism of church and state. But this is nowhere possible out of the United States; for nowhere else is the state organized on catholic principles, or capable of acting, when acting from its own constitution, in harmony with a really catholic church, or the religious order really existing, in relation to which all things are created and governed. Nowhere else is it practicable, at present, to maintain between the two powers their normal relations.

But what is not practicable in the Old World is perfectly practicable in the New. The state here being organized in accordance with catholic principles, there can be no antagonism between it and the church. Though operating in different spheres, both are, in their respective spheres, developing and applying to practical life one and the same divine idea. The church can trust the state, and the state can trust the church. Both act from the same principle to one and the same end. Each by its own constitution

coöperates with, aids, and completes the other. It is true the church is not formally established as the civil law of the land, nor is it necessary that she should be; because there is nothing in the state that conflicts with her freedom and independence, with her dogmas or her irreformable canons. The need of establishing the church by law, and protecting her by legal pains and penalties, as is still done in most countries, can exist only in a barbarous or semi-barbarous state of society, where the state is not organized on catholic principles, or the civilization is based on false principles, and in its development tends not to the real or divine order of things. When the state is constituted in harmony with that order, it is carried onward by the force of its own internal constitution in a catholic direction, and a church establishment, or what is called a state religion, would be an anomaly, or a superfluity. The true religion is in the heart of the state, as its informing principle and real interior life. The external establishment, by legal enactment of the church, would afford her no additional protection, add nothing to her power and efficacy, and effect nothing for faith or piety —neither of which can be forced, because both must, from their nature, be free-will offerings to God.

In the United States, false religions are legally as free as the true religion; but all false religions being one-sided, sophistical, and uncatholic, are opposed by the principles of the state, which tend, by their silent but effective workings, to eliminate them. The American state recognizes only the catholic religion. It eschews all sectarianism, and none of the sects have been able to get their peculiarities incorporated into its constitution or its laws. The state conforms to what each holds that is catholic, that is always and everywhere religion; and whatever is not catholic it leaves, as outside of its province, to live or die, according to its own inherent vitality or want of vitality. The state conscience is catholic, not sectarian; hence it is that the utmost freedom can be allowed to all religions, the false as well as the true; for the state, being catholic in its constitution, can never suffer the adherents of the false to oppress the consciences of the adherents of the true. The church being free, and the state harmonizing with her, Catholicity has, in the freedom of both, all the protection it needs, all the security it can ask, and all the support it can, in the nature of the case, receive from external institutions, or from social and political organizations.

This freedom may not be universally wise or prudent, for all nations may not be prepared for it: all may not have attained their majority. The church, as well as the state, must deal with men and nations as they are, not as they are not. To deal with a child as with an adult, or with a barbarous nation as with a civilized nation, would be only acting a lie. The church cannot treat men as free men where they are not free men, nor appeal to reason in those in whom reason is undeveloped. She must adapt her discipline to the age, condition, and culture of individuals, and to the greater or less progress of nations in civilization. She herself remains always the same in her constitution, her authority, and her faith; but varies her discipline with the variations of time and place. Many of her canons, very proper and necessary in one age, cease to be so in another, and many which are needed in the Old World would be out of place in the New World. Under the American system, she can deal with the people as freemen, and trust them as freemen, because free men they are. The freeman asks, why? and the reason why must be given him, or his obedience fails to be secured. The simple reason that the church commands will rarely satisfy him; he would know why she commands this or that. The full-grown free man revolts at blind obedience, and he regards all obedience as in some measure blind for which he sees only an extrinsic command. Blind obedience even to the authority of the church cannot be expected of people reared under the American system, not because they are filled with the spirit of disobedience, but because they insist that obedience shall be *rationabile obsequium*, an act of the understanding, not of the will or the affections alone. They are trained to demand the reason for the command given them, to distinguish between the law and the person of the magistrate. They can obey God, but not man, and they must see that the command given has its reason in the divine order, or the intrinsic catholic reason of things, or they will not yield it a full, entire, and hearty obedience. The reason that suffices for the child does not suffice for the adult, and the reason that suffices for barbarians does not suffice for civilized men, or that suffices for nations in the infancy of their civilization does not suffice for them in its maturity. The appeal to external authority was much less frequent under the Roman empire than in the barbarous ages that followed its downfall, when the church became mixed up with the state.

This trait of the American character is not uncatholic. An intelligent, free, willing obedience, yielded from personal conviction, after seeing its reasonableness, its justice, its logic in the divine order—the obedience of a freeman, not a slave—is far more consonant to the spirit of the church, and far more acceptable to God, than simple, blind obedience; and people capable of yielding it stand far higher in the scale of civilization than the people that must be governed as children or barbarians. It is possible that the people of the Old World are not prepared for the regimen of freedom in religion any more than they are prepared for freedom in politics; for they have been trained only to obey external authority, and are not accustomed to look on religion as having its reason in the real order, or in the reason of things. They understand no reason for obedience beyond the external command, and do not believe it possible to give or to understand the reason why the command itself is given. They regard the authority of the church as a thing apart, and see no way by which faith and reason can be harmonized. They look upon them as antagonistic forces rather than as integral elements of one and the same whole. Concede them the regimen of freedom, and their religion has no support but in their good-will, their affections, their associations, their habits, and their prejudices. It has no root in their rational convictions, and when they begin to reason they begin to doubt. This is not the state of things that is desirable, but it cannot be remedied under the political *régime* established elsewhere than in the United States. In every state in the world, except the American, the civil constitution is sophistical, and violates, more or less, the logic of things; and, therefore, in no one of them can the people receive a thoroughly dialectic training, or an education in strict conformity to the real order. Hence, in them all, the church is more or less obstructed in her operations, and prevented from carrying out in its fulness her own divine idea. She does the best she can in the circumstances and with the materials with which she is supplied, and exerts herself continually to bring individuals and nations into harmony with her divine law; but still her life in the midst of the nations is a struggle, a warfare.

The United States being dialectically constituted, and founded on real catholic, not sectarian or sophistical principles, presents none of these obstacles, and must, in their progressive development or realization of their political idea,

put an end to this warfare, in so far as a warfare between church and state, and leave the church in her normal position in society, in which she can, without let or hindrance, exert her free spirit, and teach and govern men by the divine law as free men. She may encounter unbelief, misbelief, ignorance, and indifference in few, or in many; but these, deriving no support from the state, which tends constantly to eliminate them, must gradually give way before her invincible logic, her divine charity, the truth and reality of things, and the intelligence, activity, and zeal of her ministers. The American people are, on the surface, sectarians or indifferentists; but they are, in reality, less uncatholic than the people of any other country, because they are, in their intellectual and moral development, nearer to the real order, or, in the higher and broader sense of the word, more truly civilized. The multitude of sects that obtain may excite religious compassion for those who are carried away by them, for men can be saved or attain to their eternal destiny only by truth, or conformity to Him who said, "I am the way, the truth, and the life;" but in relation to the national destiny they need excite no alarm, no uneasiness, for underlying them all is more or less of catholic truth, and the vital forces of the national life repel them, in so far as they are sectarian and not catholic, as substances that cannot be assimilated to the national life. The American state being catholic in its organic principles, as is all real religion, and the church being free, whatever is anticatholic, or uncatholic, is without any support in either, and having none, either in reality or in itself, it must necessarily fall and gradually disappear.

The sects themselves have a half-unavowed conviction that they cannot subsist for ever as sects, if unsupported by the civil authority. They are free, but do not feel safe in the United States. They know the real church is catholic, and that they themselves are none of them catholic. The most daring among them even pretends to be no more than a "branch" of the catholic church. They know that only the catholic church can withstand the pressure of events and survive the shocks of time, and hence everywhere their movements to get rid of their sectarianism and to gain a catholic character. They hold conventions of delegates from the whole sectarian world, form "unions," "alliances," and "associations;" but, unhappily for their success, the catholic church does not originate in convention, but is founded by

the Word made flesh, and sustained by the indwelling Holy Ghost. The most they can do, even with the best dispositions in the world, is to create a confederation, and confederated sects are something very different from a church inherently one and catholic. It is no more the catholic church than the late southern confederacy was the American state. The sectarian combinations may do some harm, may injure many souls, and retard, for a time, the progress of civilization; but in a state organized in accordance with catholic principles, and left to themselves, they are powerless against the national destiny, and must soon wither and die as branches severed from the vine.

Such being the case, no sensible Catholic can imagine that the church needs any physical force against the sects, except to repel actual violence and protect her in that freedom of speech and possession which is the right of all before the state. What are called religious establishments are needed only where either the state is barbarous or the religion is sectarian. Where the state, in its intrinsic constitution, is in accordance with catholic principles, as in the United States, the church has all she needs or can receive. The state can add nothing more to her power or her security in her moral and spiritual warfare with sectarianism, and any attempt to give her more would only weaken her as against the sects, place her in a false light, partially justify their hostility to her, render effective their declamations against her, mix her up unnecessarily with political changes, interests, and passions, and distract the attention of her ministers from their proper work as churchmen, and impose on them the duties of politicians and statesmen. Where there is nothing in the state hostile to the church, where she is free to act according to her own constitution and laws, and exercise her own discipline on her own spiritual subjects, civil enactments in her favor or against the sects may embarrass or impede her operations, but cannot aid her, for she can advance no further than she wins the heart and convinces the understanding. A spiritual work can, in the nature of things, be effected only by spiritual means. The church wants freedom in relation to the state—nothing more; for all her power comes immediately from God, without any intervention or mediation of the state.

The United States, constituted in accordance with the real order of things, and founded on principles which have their origin and ground in the principles on which the church her-

self is founded, can never establish any one of the sects as the religion of the state, for that would violate their political constitution, and array all the other sects, as well as the church herself against the government. They cannot be called upon to establish the church by law, because she is already in their constitution as far as the state has in itself any relation with religion, and because to establish her in any other sense would be to make her one of the civil institutions of the land, and to bring her under the control of the state, which were equally against her interest and her nature.

The religious mission of the United States is not then to establish the church by external law, or to protect her by legal disabilities, pains, and penalties against the sects, however uncatholic they may be; but to maintain catholic freedom, neither absorbing the state in the church nor the church in the state, but leaving each to move freely, according to its own nature, in the sphere assigned it in the eternal order of things. Their mission separates church and state as external governing bodies, but unites them in the interior principles from which each derives its vitality and force. Their union is in the intrinsic unity of principle, and in the fact that, though moving in different spheres, each obeys one and the same divine law. With this the Catholic who knows what Catholicity means, is of course satisfied, for it gives the church all the advantage over the sects of the real over the unreal; and with this the sects have no right to be dissatisfied, for it subjects them to no disadvantage not inherent in sectarianism itself in presence of Catholicity, and without any support from the civil authority.

The effect of this mission of our country fully realized, would be to harmonize church and state, religion and politics, not by absorbing either in the other, or by obliterating the natural distinction between them, but by conforming both to the real or divine order, which is supreme and immutable. It places the two powers in their normal relation, which has hitherto never been done, because hitherto there never has been a state normally constituted. The nearest approach made to the realization of the proper relations of church and state, prior to the birth of the American republic, was in the Roman empire under the Christian emperors; but the state had been perverted by paganism, and the emperors, inheriting the old pontifical power, could never be made to understand their own incompetency in spirituals,

and persisted to the last in treating the church as a civil institution under their supervision and control, as does the emperor of the French in France, even yet. In the middle ages the state was so barbarously constituted that the church was obliged to supervise its administration, to mix herself up with the civil government, in order to infuse some intelligence into civil matters, and to preserve her own rightful freedom and independence. When the states broke away from feudalism, they revived the Roman constitution, and claimed the authority in ecclesiastical matters that had been exercised by the Roman Cæsars, and the states that adopted a sectarian religion gave the sect adopted a civil establishment, and subjected it to the civil government, to which the sect not unwillingly consented, on condition that the civil authority excluded the church and all other sects, and made it the exclusive religion of the state, as in England, Scotland, Sweden, Denmark, Russia, and the states of northern Germany. Even yet the normal relations of church and state are nowhere practicable in the Old World; for everywhere either the state is more or less barbaric in its constitution, or the religion is sectarian, and the church as well as civilization is obliged to struggle with antagonistic forces, for self-preservation.

There are formidable parties all over Europe at work to introduce what they take to be the American system; but constitutions are generated, not made—providential, not conventional. Statesmen can only develop what is in the existing constitutions of their respective countries, and no European constitution contains all the elements of the American. European liberals mistake the American system, and, were they to succeed in their efforts, would not introduce it, but something more hostile to it than the governments and institutions they are warring against. They start from narrow, sectarian, or infidel premises, and seek not freedom of worship, but freedom of denial. They suppress the freedom of religion as the means of securing what they call religious liberty—imagine that they secure freedom of thought by extinguishing the light without which no thought is possible, and advance civilization by undermining its foundation. The condemnation of their views and movements by the Holy Father in the encyclical, which has excited so much hostility, may seem to superficial and unthinking Americans even, as a condemnation of our American system—indeed, as the condemnation of modern science, intel-

ligence, and civilization itself; but whoever looks below the surface, has some insight into the course of events, understands the propositions and movements censured, and the sense in which they are censured, is well assured that the Holy Father has simply exercised his pastoral and teaching authority to save religion, society, science, and civilization from utter corruption or destruction. The opinions, tendencies, and movements, directly or by implication censured, are the effect of narrow and superficial thinking, of partial and one-sided views, and are sectarian, sophistical, and hostile to all real progress, and tend, as far as they go, to throw society back into the barbarism from which, after centuries of toil and struggle, it is just beginning to emerge. The Holy Father has condemned nothing that real philosophy, real science does not also condemn; nothing, in fact, that is not at war with the American system itself. For the mass of the people, it were desirable that fuller explanations should be given of the sense in which the various propositions censured are condemned, for some of them are not, in every sense, false; but the explanations needed were expected by the Holy Father to be given by the bishops and prelates, to whom, not to the people, save through them, the encyclical was addressed. Little is to be hoped, and much is to be feared, for liberty, science, and civilization from European liberalism, which has no real affinity with American territorial democracy and real civil and religious freedom. But God and reality are present in the Old World as well as in the New, and it will never do to restrict their power or freedom.

Whether the American people will prove faithful to their mission, and realize their destiny, or not, is known only to Him from whom nothing is hidden. Providence is free, and leaves always a space for human free-will. The American people can fail, and will fail if they neglect the appointed means and conditions of success; but there is nothing in their present state or in their past history to render their failure probable. They have in their internal constitution what Rome wanted, and they are in no danger of being crushed by exterior barbarism. Their success as feeble colonies of Great Britain in achieving their national independence, and especially in maintaining, unaided, and against the real hostility of Great Britain and France, their national unity and integrity against a rebellion which, probably, no other people could have survived, gives reasonable assurance

for their future. The leaders of the rebellion, than whom none better knew or more nicely calculated the strength and resources of the Union, counted with certainty on success, and the ablest, the most experienced, and best-informed statesmen of the Old World felt sure that the republic was gone, and spoke of it as the *late* United States. Not a few, even in the loyal states, who had no sympathy with the rebellion, believed it idle to think of suppressing it by force, and advised peace on the best terms that could be obtained. But *Ilium fuit* was chanted too soon; the American people were equal to the emergency, and falsified the calculations and predictions of their enemies, and surpassed the expectations of their friends.

The attitude of the real American people during the fearful struggle affords additional confidence in their destiny. With larger armies on foot than Napoleon ever commanded, with their line of battle stretching from ocean to ocean, across the whole breadth of the continent, they never, during four long years of alternate victories and defeats—and both unprecedentedly bloody—for a moment lost their equanimity, or appeared less calm, collected, tranquil, than in the ordinary times of peace. They not for a moment interrupted their ordinary routine of business or pleasure, or seemed conscious of being engaged in any serious struggle which required an effort. There was no hurry, no bustle, no excitement, no fear, no misgiving. They seemed to regard the war as a mere bagatelle, not worth being in earnest about. The on-looker was almost angry with their apparent indifference, apparent insensibility, and doubted if they moved at all. Yet move they did: guided by an unerring instinct, they moved quietly on with an elemental force, in spite of a timid and hesitating administration, in spite of inexperienced, over-cautious, incompetent, or blundering military commanders, whom they gently brushed aside, and desisted not till their object was gained, and they saw the flag of the Union floating anew in the breeze from the capitol of every state that dared secede. No man could contemplate them without feeling that there was in them a latent power vastly superior to any which they judged it necessary to put forth. Their success proves to all that what, prior to the war, was treated as American arrogance or self-conceit, was only the outspoken confidence in their destiny as a providential people, conscious that to them is reserved the hegemony of the world.

Count de Maistre predicted early in the century the failure of the United States, because they have no proper name; but his prediction assumed what is not the fact. The United States have a proper name by which all the world knows and calls them. The proper name of the country is America: that of the people is Americans. Speak of Americans simply, and nobody understands you to mean the people of Canada, Mexico, Brazil, Peru, Chili, Paraguay, but everybody understands you to mean the people of the United States. The fact is significant, and foretells for the people of the United States a continental destiny, as is also foreshadowed in the so-called "Monroe doctrine," which France, during our domestic troubles, was permitted, on condition of not intervening in our civil war in favor of the rebellion, to violate.

There was no statesmanship in proclaiming the "Monroe doctrine," for the statesman keeps always, as far as possible, his government free to act according to the exigencies of the case when it comes up, unembarrassed by previous declarations of principles. Yet the doctrine only expresses the destiny of the American people, and which nothing but their own fault can prevent them from realizing in its own good time. Napoleon will not succeed in his Mexican policy, and Mexico will add some fifteen or twenty new states to the American Union as soon as it is clearly for the interests of all parties that it should be done, and it can be done by mutual consent, without war or violence. The Union will fight to maintain the integrity of her domain and the supremacy of her laws within it, but she can never, consistently with her principles or her interests, enter upon a career of war and conquest. Her system is violated, endangered, not extended, by subjugating her neighbors, for subjugation and liberty go not together. Annexation, when it takes place, must be on terms of perfect equality, and by the free act of the state annexed. The Union can admit of no inequality of rights and franchises between the states of which it is composed. The Canadian provinces and the Mexican and Central American states, when annexed, must be as free as the original states of the Union, sharing alike in the power and protection of the republic—alike in its authority, its freedom, its grandeur, and its glory, as one free, independent, self-governing people. They may gain much, but must lose nothing by annexation.

The Emperor Napoleon and his very respectable *protégé*,

Maximilian, an able man and a liberal-minded prince, can change nothing in the destiny of the United States, or of Mexico herself; no imperial government can be permanent beside the American republic, no longer liable, since the abolition of slavery, to be distracted by sectional dissensions. The states that seceded will soon, in some way, be restored to their rights and franchises in the Union, forming not the least patriotic portion of the American people; the negro question will be settled, or settle itself, as is most likely, by the melting away of the negro population before the influx of white laborers; all traces of the late contest in a very few years will be wiped out, the national debt paid, or greatly reduced, and the prosperity and strength of the republic be greater than ever. Its moral force will sweep away every imperial throne on the continent, without any effort or action on the part of the government. There can be no stable government in Mexico till every trace of the ecclesiastical policy established by the Council of the Indies is obliterated, and the church placed there on the same footing as in the United States; and that can hardly be done without annexation. Maximilian cannot divest the church of her temporal possessions, and place Protestants and Catholics on the same footing, without offending the present church party and deeply injuring religion, and that too without winning the confidence of the republican party. In all Spanish and Portuguese America the relations between the church and state are abnormal, and exceedingly hurtful to both. Religion is in a wretched condition, and politics in a worse condition still. There is no effectual remedy for either but in religious freedom, now impracticable, and to be rendered practicable by no European intervention, for that subjects religion to the state, the very source of the evils that now exist, instead of emancipating it from the state, and leaving it to act according to its own constitution and laws, as under the American system.

But the American people need not trouble themselves about their exterior expansion. That will come of itself as fast as desirable. Let them devote their attention to their internal destiny, to the realization of their mission within, and they will gradually see the whole continent coming under their system, forming one grand nation, a really Catholic nation, great, glorious, and free.

# THE DEMOCRATIC PRINCIPLE.

[From Brownson's Quarterly Review for April, 1873.]

DURING our late civil war it was almost proverbial to call our government the best government under heaven; and whoever in the loyal states expressed an opinion to the contrary ran some risk of being sent to Fort Lafayette, Fort Warren, or to some other federal place of imprisonment. I defended the government during those fearful times, and stood by it when many a stout heart failed, because it was the government of *my* country, and I owed it the allegiance due from the citizen; but never since the "Hard-Cider" campaign have I believed it practically "the best government under heaven," or superior to almost any other civilized government. "Tippecanoe and Tyler too" upset my democracy, by showing how easily the people can be humbugged and carried away by a song. Till then I had believed in democracy, though I believed in little else.

My friend, George Bancroft, defined democracy, in a lecture which I published in my *Boston Quarterly Review*, to be "eternal justice ruling through the people:" I defined it in a series of resolutions adopted by a Democratic state convention, to be the "supremacy of man over his accidents"—meaning thereby that democracy regards the man as more than his possessions, social position, or any thing separable from his manhood—and got most unmercifully ridiculed for it; but the ridicule did not move me, and I held fast to the doctrine, that the will of the people is the most direct and authentic expression of the divine will that can be had or desired. The people held with me then, in some respects, the place the church now holds with me. I labored under the comfortable illusion that, in order to secure wise and just government, all I had to do was to remove all restrictions on the free and full expression of the popular will, and to leave the people free to follow in all things their own divine instincts. The defects of bad legislation to which I could not shut my eyes, I attributed not to democracy, but to the fact that the democratic principle was obstructed, and the will of the people could not have its free and full expression. There were still many restraints on

their will, retained from old monarchical and aristocratic institutions; such as an independent judiciary, and the English common law with its subtilties and technicalities. These should all be swept away, and the unrestrained will of the people be supreme, and make itself felt alike in the administration of justice, and the election of representatives in the legislature and in all the offices of the government, state or national. To secure the rule of justice and the recognition of the man over his accidents, every thing should be swept away that imposed the least check on the direct and immediate action of the popular will. People, though adopting the democratic principle, told me I went too far, but I knew I was logical; and I have never in my life been able to persuade myself that a principle, really sound and true, will not bear pushing to its last logical consequences. If the democratic principle will not bear being so pushed, it is simply a proof that it is untrue, and cannot be safely adopted. This was my reasoning then, and is my reasoning now. The country, public opinion, gave me the principle, furnished me the democratic premises, and I took it for granted that the principle was sound and the premises indisputable, as do the majority of my countrymen.

The "Hard-Cider" campaign of 1840 came. In it I took an active part on the Democratic side, in behalf of Martin Van Buren, the last first-class man that sat, or probably that ever will sit, in the presidential chair of the United States; and my party was, as all the world knows, wofully defeated. It was the first presidential campaign in which I had ever taken an active part, and almost my first experience in practical politics. It was enough. What I saw served to dispel my democratic illusions, to break the idol I had worshipped, and shook to its foundation my belief in the divinity of the people, or in their will as the expression of eternal justice. I saw that they could be easily duped, easily made victims of the designing, and carried away by an irresistible passion in the wrong as easily as in the right. I was forced by the shock my convictions received, to review first my logic, and then to examine the premises which I had taken on trust from my democratic countrymen which I had not hitherto thought of questioning. I found them untenable and absurd. I ceased henceforth to believe in democracy, but I did not cease to be a loyal citizen, nor did I deem it necessary to abandon the Democratic party so called, which after all, was less unsound, less radical, and

more conservative than the Whig party, which had carried the elections; but I labored day and night with voice and pen, in the *Boston Quarterly Review* and in the *Democratic Review*, to make it still more conservative, and to convince its leaders that the people as the state need governing no less than the people as individuals. So I labored till my happy conversion to the church, when, having no associations with the Catholic population of the country, except our common Catholic faith, I ceased to have any political influence; and if I resume the discussion of political topics, it is solely with the hope of being of some service to my ingenuous, pure-minded, and educated young Catholic friends, destined to exert a powerful influence for good or for evil on the political future of the republic.

The great democratic principle was asserted by the congress of 1776, in the declaration that "Governments derive their just powers from the assent of the governed." They thus declared that governments originate in convention, and that law derives its force as law from the will of those it is to bind. This asserts the purely human origin of government, and rejects all law enjoined by any authority above the people. It denies the right or authority of any government to command, for no such right or authority can be created by any convention or agreement; it denies, also, all law that restrains the will of the governed. That the law binds only by virtue of the assent of those on whom it is to operate, Gallicans asserted in principle, in asserting that papal constitutions do not bind the conscience unless assented to, at least tacitly, by the church. This principle, which reverses all one's natural ideas of government and law, the recent Council of the Vatican has condemned, when applied in the spiritual or ecclesiastical order; and we see no reason why a Catholic should not condemn it, when applied in the political and civil order. No government that has real authority to govern, can originate in convention alone; for the convention itself needs to be authorized by a law or an authority superior to itself, since St. Paul teaches, *Non est potestas nisi a Deo.* Where there is no law of nations, which the nation itself is bound to obey, there may be national force, but no national right or authority to govern. Laws that emanate from the people, or that are binding only by virtue of the assent of the governed, or that emanate from any human source alone, have none of the essential characteristics of law, for they bind no conscience, and restrain, except by force, no will.

We do not allege that human governments have no legislative authority or power to enact laws and bind the conscience; but that authority, that power is not derived from a human source, and is held only by the divine law under which they are constituted. Governments that have only a conventional origin, and only such powers as are held from the assent of the governed, have no such authority, no such power. The grand objection to democracy, then, is, that it rejects the law of nations, the *jus gentium*, denies the rule of eternal and immutable right, and resolves eternal justice into mere conventionalism, and, if a government at all, it is simply a government of force, under which might makes right. I am not arguing against a republic, or a government largely popular in its constitution and administration, such as ours was intended to be; but against the democratic principle, that founds government in convention, and derives its powers from the consent of the governed, or which applies to the civil order the Gallican principle, condemned by the Council of the Vatican, when applied in the spiritual or ecclesiastical order. It makes the people who are to be governed superior to the government, and leaves their will supreme, subject to no authority, bound by no law. It is, therefore, simply the principle of political atheism. So far as the national authority is concerned, the principle is not confined to a popularly constituted government, but is accepted and acted on by most modern governments, especially by the Sardinian, the Prussian, the Russian, and we fear also the Austrian, in none of which is the law of nations, binding the conscience of the nation itself, recognized.

The American constitution is not founded on political atheism, but recognizes the rights of man, and, therefore, the rights of God. There remain as yet among us some traces of the law of nations, in distinction from the international law of Benthamites and diplomates, which consists solely in conventional pacts and precedents, without any recognition of the rule of right, or of eternal and immutable justice. Something of Christian tradition lives among us and is kept alive by the common law and the judicial department of the government, though, latterly, too often overruled by the legislative department which is continually encroaching on the province of the judiciary, as we see in much recent congressional legislation. What we complain of is the tendency of American public opinion, formed and directed to a

great extent by popular journalism, to apply the naked, unmitigated democratic principle to the interpretation of the constitution and what we call our American institutions; though what is really meant by this phrase which is in every one's mouth, it would be hard to say. Public opinion with us asserts and applies the democratic principle, which, as we have seen, liberates the people as the state from all government, and their will from all restraint; and leaves them perfectly untrammelled, free to do whatever they have the physical force to do. Their might founds and measures their right.

Is it not so? If not, why are the public so sensitive to the assertion of any authority above the people, or of a law which does not emanate from the people and which they are bound in conscience, collectively as well as individually, to obey? Why does our American public opinion applaud Prince Bismarck and Victor Emanuel for their efforts to subject all authorities or powers in the nation to the national government. In this country our Protestant fellow-citizens, being the majority, take great credit to themselves for "tolerating," as Dr. Bellows puts it, the Catholic faith and worship. Why, if not because they hold themselves free to prohibit them, if they should choose? Are they not, in fact, using the power numbers give them, to invade the Catholic conscience and deprive Catholics of their equal rights as parents and citizens, by compelling them to pay for the support of schools to which they are forbidden by conscience to send their children? Evidently they recognize no law of right or justice to which their will is subject, and which we may plead as our protection. The plea of justice in regard to public measures is rarely heard. Utility or expediency, not right or justice, is the standard adopted in politics, as external decorum or propriety is the rule in ethics. Even the late William H. Seward, when he appealed from the constitution of the United States, which as senator he had sworn to observe, to the "higher law," only appealed from one human law to another, or from the particular to the general; for he appealed only to general humanity, whose rights he never dreamed of identifying with the rights of God. If the abolition party he represented appealed to the law of God as the law of nations, it was to that law without any court or tribunal to declare and apply it, and as interpreted and applied by the party itself. The abolitionist, with all his fine talk, fierce declamation in favor of a law above

the state, would have recoiled from the assertion of a divinely instituted court or tribunal to interpret it and give it practical efficacy in the government of men and nations. He asserted it, but only on the condition that he should be free to interpret and apply it for himself; and hence his individualism nullified the law, and his humanitarianism was resolved, sometimes even avowedly, into no-governmentism.

I repeat, I am not warring against the political constitution of my country, nor am I seeking in any respect to change it; for I am no revolutionist, no monarchist, no aristocrat. It is the spirit and opinions of the American people, or of the majority of them, that I want changed, and so changed as to interpret the constitution of American political society by the principles of law and justice, not by the democratic principle, which asserts the sovereignty of the arbitrary will of the people, or, practically, the unrestricted rule of the majority for the time: which is tyranny, and repugnant to the very essence of liberty, which is will ruled by right, or power controlled by justice.

The philosophers and statesmen of the last century supposed that the evil could be prevented, and the necessary restraints on the popular will or ruling majority could be imposed, by means of written constitutions, which, in the words of the Thetford stay-maker, author of the *Age of Reason*, could be "folded up and filed away in a pigeon-hole." They supposed the people emancipated from superstition, as they called religion, and from priests and priestcraft, and left to the promptings of their simple nature, would always be guided by reason, and therefore needed only to be governed in their action by a wise and just written constitution. They held the people could be safely entrusted with the guardianship of the constitution, which was very much like locking up a man in prison, and giving him the key. But experience has proved that written constitutions, unless they are written in the sentiments, convictions, consciences, manners, customs, habits, and organization of the people, are no better than so much waste paper, and can no more restrain them than the green withes with which the Philistines bound his limbs, could restrain the mighty Samson.

John C. Calhoun, the most sagacious and accomplished statesman our republic has ever produced, and who appreciated the tyranny of majorities better than any other man amongst us, placed no confidence in written constitutions;

but he hoped to restrain the popular will by dividing and organizing the people according to their different sectional pursuits and interests, or by organizing a system of "concurrent majorities." This would be, no doubt, an advance on simply written constitutions; but it is only in communities where the pursuits and interests of different sections of the population are very distinct, that it is practicable, or could be efficacious. Since the abolition of slavery, the population, pursuits, and interests of the whole country are too homogeneous to allow the organization he demanded, or to admit the system of concurrent majorities. If introduced, it would be rendered ineffective by the great homogeneous interests and pursuits of the majority of the population, which would overpower and trample on all minorities opposed to them.

We hold that whatever constitutional or organic provisions may be adopted, the stronger interest of a country, in the absence of all recognition of the law of nations, limiting and defining the rights and powers of the nation, will govern the country, whether the interest and pursuits of the numerical majority or not; or at least dictate the policy of its government. For a time the southern states could protect their interests, and, to some extent, shape the policy of the government, because they represented the strongest of any one interest of the country, the interest of capital invested in labor; but when short crops and wars in Europe had created a demand for our breadstuffs and provisions, the products of the non-slaveholding states, and the produce of the California mines had strengthened the commercial and manufacturing interests, which already controlled the free states, and enabled the representatives of these interests to meet their foreign exchanges,—they were stronger than any interests the South could oppose to them. The South had then no alternative, but either to submit to be controlled by them, as the people of the non-slaveholding states were, or to secede from the Union, and endeavor to establish an independent republic for themselves. The struggle was a struggle of interests. The abolition fanatics were only the fly on the wheel, and the question they raised amounted to nothing in itself, and was of importance only as it was seized upon as a pretext, and had only this significance, that the business interests of the North could subject the interests of the South to their control only by destroying the southern capital invested in labor. Mr. Calhoun's policy, if carried out, might have staved off

the crisis for a few years, but could not have prevented it or its final results.

I have said, in the absence of the law of nations, which, it cannot be too often repeated, is law for the nation, as well as for the individual, therefore law emanating from an authority above the nation, above and over the people. The attempt of modern statesmen, Mr. Calhoun among the rest, to constitute the state without any power or authority above the people, so that by its own spontaneous working it should maintain order with liberty, and liberty with order, and promote the highest utility and the greatest happiness of the nation, is a vain attempt. The thing is impossible. No simply human wisdom, no adjustment of positive and negative forces, no organization of interests, or system of checks and balances, will do it. The English in their constitution have carried to perfection their system of checks and balances, or of the organization of separate interests, classes, or estates, each with a negative on the others; yet, in spite of the national boasts, it works with difficulty, and one of the separately organized estates is swallowing up the others. It, in its present form, is hardly a century and a half old, and it undergoes a greater or less change every few years. The prosperity of England under it is commercial and industrial, and is due less to it, than to the fact that she has invented the art of converting debt into capital; and by means of the revolutions, and the wars growing out of them, of the continental states, she has contrived to bring the nations of the Old World and the New into debt to her, and to compel them to pour their surplus earnings into her lap. The nations live and labor to enrich her; and yet her overgrown wealth consists chiefly in paper evidences of credit, and might vanish in a day. Then her wealth is unequally distributed: a few are very rich in paper values, but in no country on earth is there greater poverty or more squalid wretchedness. Then we must take into the account her government of Ireland and India, worse than any of the proconsular governments of ancient Rome. She, also, owes more to her mines of tin, lead, iron, and coal, soon to be exhausted, than to the excellence of her political constitution, or the wisdom of her statesmen.

I cannot conceive a more profoundly philosophic, or more admirably devised constitution, than that of our own government, as I have endeavored truthfully to present it in my *American Republic*. Yet, for the lack of the moral element

in the American people, for the lack of a recognition of the law of nations emanating from an authority above the people, and binding the conscience of the nation, it is practically disregarded, and its wisest and most vital provisions are treated by the ruling people as *non avenues*. The people have forgotten its providential origin, treat it as their own creature, as a thing they have made, and may alter or unmake at their pleasure. It is not a law enjoined on them, and has no hold on their conscience. They give it a purely democratic interpretation. Men talk of loyalty, but men cannot be loyal to what is below them and dependent on their breath; and, therefore, they violate it without compunction, as often as prompted to do so by their interests or their passions. Nothing was more striking during the late civil war than the very general absence of loyalty or feeling of duty, on the part of the adherents of the Union, to support the government because it was the legal government of the country, and every citizen owed it the sacrifice of his life, if needed. The administration never dared confide in the loyalty of the federal people. The appeals made were to interest, to the democracy of the North against the aristocracy of the South; to anti-slavery fanaticism, or to the value and utility of the Union, rarely to the obligation in conscience to support the legitimate or legal authority; prominent civilians were bribed by high military commissions; others, by advantageous contracts for themselves or their friends for supplies to the army; and the rank and file, by large bounties and high wages. There were exceptions, but such was the rule.

"I will have a draft," said the secretary of war, Mr. Stanton, to me one day in his office: "I will have a draft, if I get but one man by it, for I wish to assert the majesty of this government, its right to command the support of citizens in the ranks of the army, or elsewhere, in its hour of need. This reliance on large bounties and high wages, that is running up an enormous bill of expenses which the people must ultimately pay, is derogatory to the majesty of the government, obscures and weakens its authority, and appeals only to the lowest and most sordid motives of the human heart."—Well, the draft was ordered, and, as we all know, proved a failure. The government, indeed asserted its majesty, but the people did not recognize it; they effectively resisted it, or came to a compromise. How could they see a majesty in a government they themselves had made and could unmake? The universal conviction of the conven-

tional origin of the government despoiled it of its majesty. It had no majesty, no authority, but what it held from the people, and could command no obedience but such as they chose to give it. If it went further, it was by force, not by right: and fully did the administration feel it.

The conventional origin of the constitution excludes its moral or divine right, and therefore denies all obligation in conscience of the people, either collectively or individually, to obey it. It has nothing in it that one is morally bound to treat as sacred and inviolable. Its violation is no moral offence, for it is the violation of no moral law, of no eternal and immutable right. Nothing hinders the people, when they find the constitution in the way of some favorite project on which they are bent, from trampling it under their feet, and passing on as if it never had any existence. The constitution, to be respected, must be clothed with a moral authority, an authority for conscience, which it cannot be, if of conventional origin; and the government constituted has no just powers not derived from the assent of the governed.

This is wherefore no constitutional contrivances or combinations, however artistic or skilful, can be successful that have no support in the divine order. The government which has no authority for conscience—and none that holds not from God, and under his law, has or can have any authority for conscience—having no moral support, is impotent to govern, except by sheer force, as we have already shown over and over again. Now, as the modern statesmen exclude the moral order, and make no account of the divine element in society, and rely on the human element alone, they are unable to clothe power with right, or to give it any stability. The revolutionary spirit is everywhere at work, and is kept down and a semblance of order maintained in Europe only by five millions of armed soldiers. In our own country, we owe such order as we have, first, to the fact that the government acts less as a government, than as a factor or agent of the controlling, that is, the business interests of the country; and second, to the fact that the American people are not yet completely democratized, but retain, in spite of their theory of the conventional origin of power, no little of their traditionary respect for authority, and their obligation in conscience to obey the law. Yet, under the influence of their democratic training, they are fast losing what they have thus far retained from an epoch prior to the rejection of the divine order by statesmen and the constitutions of states.

Democracy which asserts the conventional origin of government, and thus excludes the divine order from the state, necessarily denies with Jeremy Bentham all rule of right, eternal and immutable, and can at best assert only the rule of utility, or, as commonly expressed, "the greatest happiness of the greatest number;" though Bentham himself changed in his later days the formula, and, for the greatest happiness of the greatest number, substituted as his political, juridical, and ethical formula, simply "the greatest happiness." This is the only formula of the sort that the purely democratic principle can adopt or accept. Democrats tell us this end is to be gained by getting rid of the burden of kings and aristocrats, and introducing not only equality before the law, but equality of rights and privileges, and carrying out the great principle, "All men are created equal." Equality of privileges is an absurdity, and there can be no rights where there is no right. But pass over this. "Democracy asserts and maintains equality!" Yes, *asserts* it, we grant, but it tends to promote the contrary. It operates practically, almost exclusively, in favor of those who command and employ capital or credit in business, and against the poorer and more numerous classes.

The political equality, expressed by universal suffrage and eligibility, is of no practical value; for, however elections may go, or whoever may be elected, the legislation will invariably follow the stronger interest, therefore the business interests of the country: it may be now the commercial interests, now the industrial or manufacturing interests, or, in fine, the railroad, and other business corporation interests. There is no help for it in universal suffrage. By excluding the moral element and founding the state on utility, democracy tends to materialize the mind, and to create a passion for sensible goods, or material wealth and well-being. Take any ten thousand electors at random, and ask them what they want of government, and the honest answer will be: "Such legislative action as will facilitate the acquisition of wealth." Suppose such action taken—and most of our legislation is of that sort—how many of the ten thousand are in a position to profit by it? perhaps, ten; perhaps, not more than one. Democracy excludes aristocracy in the European sense, an aristocracy founded on large landed estates, noble birth, education, and manners; and substitutes for it an aristocracy founded on business capacity and capital or credit, a thousand times worse and more offensive, because more

exacting, more insolent and haughty, always afraid of compromising its dignity by mingling with the poor or unfashionable, feeling that it is a sort of usurper, without any hereditary or legitimate claims to respect,—an aristocracy of *roturiers*, the most contemptible as well as, socially and politically, the most galling of all possible aristocracies. We do not object to a man, or refuse to honor him, because he has risen from the gutter; but we do refuse to honor a man who was born in a gutter and has remained there, but claims respect simply because he has succeeded in gathering a mass of gold around him.*

Democracy, following the lead of the business classes, builds up, and with us has covered the land over with huge business and moneyed corporations, which the government itself cannot control. We complain of the great feudal barons, that they were often more powerful than their suzerain; but our railroad "kings" can match the most powerful vassals, either of the king of France, or of the king of England, in feudal times. Louis XI. was not weaker against Charles the Bold, than is congress against the Pennsylvania Central Railroad and its connections, or the Union Pacific, built at the expense of the government itself. The great feudal lords had souls, railroad corporations have none. Congress cannot resume specie payments, for the national-bank interest opposes it; and so our commercial interests must bear the loss of a depreciated currency, and the laboring classes must continue to pay the higher prices for the necessaries of life it creates. In a word, the business classes, according to the old Whig party, the "urban party" of the

*There is no mistake in saying that the mass of the electoral people demand of government such legislation in relation to business interests, as will facilitate the acquisition of wealth; nor in saying that all legislation of the sort does and must, as far as it has any effect, favor inequality, and enrich the few at the expense of the many. If all could avail themselves equally of such legislation, nobody would or could derive any advantage from it, and it would facilitate the acquisition of wealth for no one. Where there has been bad legislation, legislation creating monopolies, or conferring special business privileges on individuals, or a particular class or corporation, the repeal by the government of such legislation, may have, to a certain extent, the effect demanded, by removing restrictions. But no other legislation, save such as secures the citizen an open field for exertion, and the full possession of the fruits of his honest industry for facilitating acquisition of wealth, is possible except by facilitating the transferrence of the earnings of the many to the pockets of the few. Such is the effect of all laws designed to facilitate the operations of the business classes, and to promote business interests. Whether this is a good or an evil, certainly the inevitable tendency of universal suffrage and eligibility is to inequality, not to equality, as is pretended.

time of Swift and Addison, or of Queen Anne's reign, have permanent possession of the government, and use it to further their own interests, which is a damage; for this country is fitted to be, and really is, a great agricultural country.

In the *Review* for January,* I showed the disastrous influence which the equality, asserted by democracy, and supposed to be favored by universal suffrage and eligibility, has on the laboring classes. It is to the honor of the church that she has always had a special regard and tenderness for the poor; and it is no less to her honor that she has never attempted to remove poverty. She always relieves distress when able, and solaces suffering whatever its cause; but she honors the poor, and treats poverty as a blessing, not as a misfortune. In her view, the poor are really the more favored class, and she never attempts, and has never enjoined it upon her children to attempt, to place them, as to the goods of this world, on an equality with the rich. She holds the thing neither practicable nor desirable. Democracy regards the poor as unfortunate, and undertakes to remove poverty by opening to them all the avenues of wealth, and to elevate them by establishing their political and civil equality; and thus leads them, as we see in the recently enfranchised negroes, to aspire to social equality. This causes them to be discontented with their lot, and makes them feel their poverty a real misery. It greatly enhances the expenses of their living. As a rule, men live for their families, especially for their wives and daughters, whom they would see live as well, be as well educated, and as well dressed as the wives and daughters of the better-to-do, whom democracy teaches them to regard as equals. The evil this causes is immeasurable. It induces not a few to live beyond their means, or to make a show of wealth which they have not; it creates a universal struggle to escape poverty, and to acquire riches as a means of equality and respectability. The passion for wealth, so strong in most Americans, and which is called by foreigners "the worship of the almighty dollar," is at bottom only the desire to escape poverty and the disgrace attached to it by democracy. Political economists regard this struggle with favor, for it stimulates production and increases the wealth of the nation, which would be true enough, if consumption did not fully keep pace with production; though, if true, we could hardly see, in the

*See "The Political State of the Country," in this volume.

increased wealth of the nation, a compensation for the private and domestic misery it causes, and the untold amount of crime of which it is the chief instigator. We regard it as an unmixed evil which could and would be avoided, if poverty were honored, and the honest and virtuous poor were respected according to their real worth, as they are by the church, and were in all old Catholic countries till the modern democratic spirit invaded them. "A contented mind is a continual feast," says the proverb.

Democracy, by its delusive universal suffrage and eligibility, stimulates a universal passion, as we have seen, for social equality, which can be gratified only by the possession of wealth or material goods; for democracy, excluding the moral order, can content no one with moral equality. "I am as good as you, and why should you be rich and I poor? Why should you live in a palace, and I in a mud hovel? Why should you ride in your coach and live in luxury, while I must trudge on foot, be thinly clad, and live on the coarsest and most meagre fare, which I can procure only with difficulty, sometimes not at all?"—Just consider that there are in the city of New York, at least, forty thousand children, orphans or worse than orphans, absolutely homeless, who live by begging and thieving, and lodge on doorsteps, under the wharves, and in miserable dens; initiated, almost as soon as able to speak, into every vice and crime that finds opportunity or shelter in a great city: contrast these with the children brought up in elegant and luxurious homes, bearing in mind that democracy asserts equality, and say, if there is any thing singular in the logic that concludes communism from democratic premises, or if a Wendell Phillips is not a true and consistent democrat in defending the Paris commune and the internationale? Or if, when you denounce either as infamous, you do not forget your democracy, and borrow from an order of ideas that, though approved by Christian tradition, democracy excludes, or at least makes no account of?

But communism, which demands equality in material goods, is not only an impossibility, but an absurdity. Equality of wealth is equivalent to equality of poverty. Wealth consists in its power to purchase labor, and no matter how great it is, it can purchase no labor, if there is none in the market; and, if all were equally rich, there would be none in the market, for no one would sell his labor to another. Then each man would be reduced to

what he can produce with his own hands, wealth would lose all the advantages it has where there are rich and poor, and society would lapse after a generation or two into the lowest barbarism. Communism, if it could be carried out, would not, then, as the communists dream, secure to all the advantages of wealth, but would result in the reduction of all to the most abject poverty,—the very thing which they are ready to commit any crime or sacrilege in order to escape. All projects of reform of any sort, undertaken without divine authority and guidance, inevitably defeat themselves, and aggravate the evils they would redress.

Reject the communistic conclusion. The democratic equality asserted, then, can be, practically, only free competition, making all equally free to compete for wealth, and the good things of this world, and leaving each free to possess what he acquires. This is the interpretation democracy receives with us. But in this competition there is only a delusive equality. In it the honest man stands no chance with the dishonest. The baker who feels bound to furnish thirty-two ounces in his two-pound loaf, cannot compete with him who has no scruple in charging the full price of a two-pound loaf for eighteen ounces. So throughout the whole business world. It would be undemocratic for the law to interfere to protect those who are unable, no matter from what cause, to protect themselves. The law must leave all things of the sort to free competition, and to regulate themselves. We thus, under our democratic system, pay a premium for dishonesty, cheatery, and knavery, and then are astonished at the daily increase of fraud and crime in the business world. We tempt men to get rich—honestly if they may, but at any rate to get rich—by the contempt in which we hold poverty, and the honor which we pay to wealth, as I have already intimated. Universal suffrage and eligibility can at best secure only this so-called free competition, and enact laws favorable to the acquisition of wealth. But men's natural capacities are unequal; and these laws, which on their face seem perfectly fair and equal, create monopolies which enrich a few individuals at the expense of the many. There is far less equality, as well as less honesty and integrity, in American society, than there was fifty or sixty years ago. The honor paid to wealth, or what is called success in the world, is greater; people are less contented with moderate means, a moderate style of living, as well as with moderate gains, and have a

much greater horror of honest labor. I remember when it was, in the country at least, regarded as an act of prudence for a young couple with little or nothing but health, industrious habits, and a willingness to earn their living by hard work, to marry and set up housekeeping for themselves. Now, except to a very limited extent, it would be regarded as the greatest imprudence. No little of that remarkable purity and morality for which the Catholic peasantry of Ireland are noted the world over, is due to early marriages, which the habits of the people encourage. Yet English and American economists denounce them, and represent them as due to the craft of the clergy who encourage them for the sake of the wedding-fee, and of the baptismal fees most likely in due time to follow. The purity and morality of our New England people—I speak of them, for I was brought up among them—have diminished in very nearly the same ratio in which early marriages have been discontinued as imprudent, except with the very rich. The class of small farmers who cultivated their own farms, and by their labor, economy, and frugality obtained a comfortable living, and were able to establish one son in business, and to educate another to be a lawyer, a doctor, or a minister, to provide moderate portions for the daughters, and to leave the homestead to the eldest son,—has disappeared, and they have been obliged to emigrate, to exile themselves from their early homes and all the endearing associations of childhood and youth, though they go not beyond the limits of their own country. I myself am even more an exile in my present residence, than my Irish or German neighbor; for he has near him those whom he was brought up with, who knew him in his youth, while I have not one,—not one with whom I can talk over old times, or who knew me before I had reached middle age: and my case has in it nothing peculiar. But the fact, that no small portion of the American people have been separated from the old homestead and scattered among strangers, has a fatal influence in checking the development of their finer qualities, and in throwing them for relief upon the coarser passions and grosser pleasures of sense.

There is less equality than there was in my boyhood, and the extremes are greater. The rich are richer, and the poor are poorer. The rich are also more extravagant and more fond of displaying their wealth, for, to the great majority of them wealth is a novelty. Shoddy and petroleum, as well as

successful speculation, have made millionaires and thrice millionaires of men of low and vulgar minds, destitute of social refinement and gentle breeding, whose wives and daughters know no way of commanding consideration or of attracting admiration, but by their furs and diamonds and their extravagant expenditures. The effect of this on the community at large, in producing a competition in extravagance, and enhancing the average expense and difficulty of living, is not easily estimated. There is no country in the world where the general extravagance is so great as in our own, or where the cost of living is greater for all classes. Some provision is made for paupers as for prisoners and criminals, but there is a larger class who are too honest to steal, too proud to beg, and too high-spirited to allow themselves to be sent to the almshouse; mostly women, many of them widows with one, two, or more small children, whose sufferings from want of sufficient food, decent clothing, and comfortable shelter, are not to be told. I attribute the sufferings of these to the delusive doctrine of equality, and the worship of wealth which democracy encourages, and the disgrace it attaches to poverty, and to humble labor for a living; for otherwise most of them could find relief and ample provision for their wants in domestic service. A really hereditary aristocracy produces no such evil, for between them and such aristocracy there is no competition. It is the burgher aristocracy and burgher wealth that treat poverty as a crime or a nuisance, and make our women and girls of American parentage shrink from domestic service as hardly less disgraceful than a life of shame.

The corruption generated by the struggle for wealth which democracy stimulates, is not confined to private and domestic life. It pervades public life. Señor Calderon de la Barca, the Spanish minister for several years to our government at Washington, told me in April, 1852, that when he was first sent by his government to ours at Washington, in 1822, he was charmed with every thing he saw or heard. "The government struck me," he said, "as strictly honest, and your statesmen as remarkable for their public spirit, integrity, and incorruptibility. I was subsequently sent to Mexico; and when recalled from that mission, I was offered my choice between Rome and Washington, such was my high opinion of the American republic, and the honesty and integrity of its government, that I chose Washington in preference to Rome, though the latter was more generally

coveted. I have been here now for several years a close observer, and I have seen every thing change under my eyes. All my admiration for the republic and for republican government has vanished. I cannot conceive a government more corrupt than this government of yours. I see men come here worth only their salary as members of congress, and in two or four years return home worth from a hundred thousand to two hundred thousand dollars."—This was said in 1852, when corruption was very little in comparison with what it has become. In 1822, the great body of the people were far from being democratized, and no party in the country bore or would consent to bear the democratic name. There was no democratic party in the country known as such, till after the inauguration of General Jackson as president, March 4, 1829; and none became predominantly democratic, till the success of the democratic Whigs in 1840, who far outdid the Jackson-Van Buren party in their democracy. The late Horace Greeley always called that party the "sham democracy," and treated at first the Whig party, and, after 1856, the Republican party, as the genuine Simon-Pure democracy. He was right in one sense; for the Whig-Republican party was always further gone in democracy, that is, in asserting the supremacy of the popular will and the exclusion of the moral order from politics, than was the party that bore the democratic name.

Up to the election of General Jackson, the American people, if adopting the democratic theory, were not governed by it; they still were influenced by ante-revolutionary traditions, recognized the moral order, the rule of right to which the people as the state as well as individuals were bound to conform; and I believed then and believe now that no purer government, indeed, no better government, existed under heaven. But since then the democratic principle has passed from theory into the practical life of the people, and become the ruling principle of their political judgments and conduct, at least, to an alarming extent. The result we saw during the war, and still more plainly see in the corruption developed by the recent very imperfect investigations in congress. We were told the main facts with regard to the credit mobilier over two years ago; and the real facts are far more damaging than any that appear from the investigation in congress. But this, though perhaps on a larger scale, is yet in reality no grosser than the corruption that has for years obtained in congress, the state legislatures,

the municipal governments, and the elections all over the country. It is in vain to look to legislation for a remedy. The laws are good enough as they are, and stringent enough; but laws are impotent where the people have become venal, and are easily evaded or openly violated with impunity, when they are not consecrated and rendered inviolable by the national conscience: and it is of the essence of democracy to dispense with conscience, and to attempt to maintain wise and beneficent government, without drawing on the moral order, by considerations of public and private utility alone.

The actual burden imposed by our democratic administrations, whether called Democratic or Republican, and including both the general government and the several state governments, due to the democratic principle itself, cannot be even approximately ascertained. The extravagance of the American people, and the expensiveness of their style of living in proportion to their means, we attribute to democracy, which measures a man's respectability by his wealth, and his wealth by his expenditures; for the American people are naturally both frugal and economical. The American people are directly and indirectly more heavily taxed by government, counting the general government and the state and municipal governments, than any other people known. The population of the United States, and that of France before her late dismemberment, are about equal; and yet the taxes imposed by our government are more than double the taxes imposed by the French government; and if we have to provide for the expenses of a disastrous civil war, France has to provide for the expenses and losses of an equally disastrous foreign war, carried on in her own territory. The cost of living in this country should be much less than in any European country, owing to the average mildness of our climate, the extent, fertility, and cheapness of land, and the variety of its productions; and yet the cost of living with us, I am told, is greater even than in England, the dearest country in Europe, and which is obliged to import annually from a hundred million to a hundred and fifty million dollars' worth of breadstuffs and provisions to feed her population. We attribute this to democracy, as we do the dearness of living in England; for England is almost as democratic as the United States. The election of a president once every four years costs the American people, besides the derangement of business, more

than the civil list of Great Britain costs the British people. The aristocracy is hardly a check on the commons; and as not engaged in business, and living on its own revenues derived principally from land and mines, hardly affects the course of the business operations of the nation, or the general cost and style of living. In Italy and Germany the democratic principle, combined with the monarchical form, prevails; and in both taxation is rapidly approaching the British and the American standard, notwithstanding the confiscation of the goods of the church by the former, and the heavy French indemnity to the latter.

But we have singularly failed to make ourselves understood, if the reader infers that we are defending monarchy or aristocracy, or that we have had any other purpose in our remarks than to show that the assertion of the people as the source of all legitimate authority, and that governments derive all their just powers from the assent of the governed, which makes all authority, all law of purely human origin, excludes the divine order which alone has authority for conscience, divorces politics from ethics, substitutes utility for right, and makes it the measure of justice, fails of the end of all just government, the promotion of the public good, and is either no government at all, but a mere agency of the controlling private interests of the people, or a government of mere force. This with me is no new doctrine: I defended it in the *Democratic Review* thirty years ago, while I was yet a Protestant, and it has been steadily maintained in this *Review* from its first number in January, 1844. To assert and defend it, was a main purpose for which I originally commenced it.

Now, it is easy to see that what we object to is not popular government, but the doctrine that the people as the state or nation are the origin and source of all authority and all law, that they are absolutely supreme, and bound by no law or authority that does not emanate from themselves. We call this the democratic principle; but as the people are here taken in the sense of state or nation, it may be applied equally to any political order which asserts the national will as supreme and free from all authority or law which does not emanate from the nation itself. The principle is applied in Russia, where the czar, as representing the nation, claims absolute autocratic power; it is applied in Germany in a more absolute sense than in the United States, and is the principle on which Prince von Bismarck suppresses the

Jesuits and kindred religious orders, and expels them from the empire, and on which he persecutes the church, denies her independence, and demands the enactment of statutes that subject her to the imperial will, that is, the national authority. It is the principle on which the London *Times* asserted the other day that no Catholic can be a loyal Englishman, and on which the sectarian press of this country maintain that we cannot be Catholics and loyal American citizens. It is the principle which inspires and underlies the whole revolutionary party in Europe. It is the liberty of the people, not from aristocracies, kings, kaisers, or arbitrary power, but from all authority or law, that does not emanate from the people, or from the nation, and therefore from a purely human source, that the party is struggling for. That is, the revolutionary party, the democratic party of Europe, are struggling to eliminate from modern society the *jus gentium* of Roman jurisprudence under the protection of religion, or what Lord Arundel of Wardour calls the "law of nations," that is, a law emanating from God himself, and founding and binding the national conscience; and, in this struggle, the mass of the American people sympathize with them, and loudly applaud them.

This is what our age calls liberty, what it means by liberty of conscience, that is, getting rid of all laws that bind the national conscience, and thus severing politics from the moral order, and subjecting the moral order itself to the secular authority, however constituted. The moral order, that is, justice, eternal and immutable right, or the law of nations, is by the divine will and appointment, according to Christian tradition, placed in charge of the pope, or the vicar of Christ on earth. To effect this object and emancipate politics from the law of nations, or the people, the state, or the nation, from the law of eternal and immutable right, that is, the law of God, it is necessary to get rid of the papacy, and to effect the utter destruction of the Catholic Church, its divinely appointed defender; and we see that the democratic, the liberal party, are willing to sustain so unmitigated a despot as the chancellor of the new German empire, if he will only join them in their war against the papacy, and aid them in their efforts to effect the complete destruction of the church. It is to conciliate and gain the support of this liberal party that the several governments of Europe, even of Catholic nations, have abandoned the papacy, even when they have not, like Germany, Italy, and

Spain, turned against the pope. No head could wear a crown, no government could stand a day, at least, according to all human calculations, were it to take up the defence of the papacy, or adhere to it, as did the Frank Emperor Charlemagne.

We have called the attention of our readers to the principle that, as we have said, inspires and underlies this so-called liberal party, because it is precisely the principle that in our country is called the democratic principle. As thousands, perhaps, hundreds of thousands of Catholics in the Old World, have been led to adopt and defend this principle, without understanding its real character; so some Catholics in our own country, fired by political ambition, and engrossed in political affairs, may have also been led to adopt it in equal ignorance of its real anticatholic character, supposing they might adopt it and act on it, without injury to the church, or detriment to their Catholic faith and influence. We do not write with any expectation of undeceiving these, if any such there are. If they read us at all, they will not understand us, and will feel towards us only anger or contempt. But there is a large class of Catholic young men, graduates from our colleges, whose minds are fresh and malleable, whose hearts are open and ingenuous, who love truth and justice, and who take a deep interest in the future of their country. We write for them to warn them against the dangers which threaten us, and against which there were none to warn us when we were young like them.

There is also even a larger number of Catholic young women annually coming forth from our conventual schools and academies, with fresh hearts, and cultivated minds, and noble aspirations, who are no less interested in the welfare of the country, and no less capable of exerting an influence on its destiny. They have no more sympathy than we have, with so-called "strong-minded women," who give from the rostrum or platform public lectures on politics or ethics; but we have much mistaken the training they have received from the good sisters who have educated them, if they have not along with the accomplishments that fit them to grace the drawing-room, received that high mental culture which prepares them to be wives and mothers of men; or, if such should be their vocation, to be accomplished and efficient teachers in their turn. Men are but half men, unless inspired and sustained in whatever is good and noble by wom-

an's sympathy and coöperation. We want no *bas bleus*, no female pedants, nor male pedants either, as to that matter; but we do want cultivated, intelligent women, women who not only love their country, but understand its interests and see its dangers, and can, in their proper sphere, exert a domestic and social influence to elevate society and protect it from the principles and corruption which lead to barbarism. This is no time and no country in which to waste one's life in frivolities or on trifles: *Ernst ist das Leben.* And seriously should those of either sex whom the world has not yet corrupted, soured, or discouraged, take it, and labor to perform its high and solemn duties.

What we want, what the church wants, what the country wants, is a high-toned Catholic public opinion, independent of the public opinion of the country at large, and in strict accordance with Catholic tradition and Catholic inspirations, so strong, so decided that every Catholic shall feel it, and yield intelligently and lovingly to its sway. It is to you, my dear Catholic young men and Catholic young women, with warm hearts, and cultivated minds, and noble aims, that I appeal to form and sustain such a true Catholic public opinion. You, with the blessing of God and directed by your venerable pastors, can do it. It is already forming, and you can complete it. Every good deed done, every pure thought breathed, every true word spoken, shall quicken some intelligence, touch some heart, inspire some noble soul. Nothing true or good is ever lost, no brilliant example ever shines in vain. It will kindle some fire, illumine some darkness, and gladden some eyes. Be active, be true, be heroic, and you will be successful beyond what you can hope.

# CONSTITUTIONAL GUARANTIES.

[From Brownson's Quarterly Review for April, 1874.]

We have recently seen a very striking illustration in the press and in both houses of congress, of the modern doctrine of popular sovereignty. The 42d congress, at the close of its last session, passed a salary bill, equalizing the pay of congressmen, and raising their salaries and those of the judges of the supreme court, the president of the United States, the so-called members of the cabinet, and some other officers and employés of the government. The bill was strictly constitutional, and the law was confessedly within the competence of congress, and fixed the salaries not a cent too high. Yet the *New York Tribune* and other influential journals raised the hue and cry against the law, denounced those members of congress who drew their salary as fixed by law as "salary grabbers," as "thieves," and succeeded in rousing more or less of popular indignation against them. The present congress have judged it necessary to repeal the law in part, and to fix the pay of members as it stood before the 3d of March, 1873, not because they judged the law unconstitutional, unequal, unjust, or unreasonable, but because the people demanded it, or in obedience to what they supposed to be "the will of the people."

For ourselves, we do not think, after congress had abolished the franking privilege, mileage, &c., that the law fixed the pay of a senator or representative any too high; for we think the policy of low salaries for high officers of government from whom the highest order of talent and character is demanded, which our levelling doctrines have hitherto favored, neither wise nor prudent; but this is not the question. The point we raise is that of recognizing the will of the people outside of the constitution as binding on the representative. The only authoritative will of the people under our form of government is that which is embodied in and expressed through the constitution, and it is the only will of the people the representative is bound to obey, or even to consult. To suppose an authoritative will outside of that, or independent of it, is to convert the government from a constitutional government into a government of popular opinion, varying as that most fickle of all things, popular

opinion, varies. It supersedes the constitution, renders it as worthless as so much waste paper, and converts the government into the worst possible form of democracy; and democracy was held in horror by the fathers of the republic.

Then, if the free, unbiassed popular opinion were a firm and solid support for government, everybody knows that what passes for popular opinion is not the opinion even of the people, nine-tenths of whom are incapable of forming an opinion for themselves, but the opinion of the journals, demagogues, and unscrupulous politicians. The process of manufacturing public opinion is very simple, and well understood, and no sensible man has the least respect for it. It is purely an artificial thing, made to order. Two or three men are sufficient to manufacture it for an entire state. An able editor denounces a policy as unpopular, and with a little effort he succeeds in making it so, and woe to the man that dares to resist it. Get up a cry against a man that he is unpopular, and henceforth, though the first man in the nation for intelligence, capacity, honesty, wisdom, and probity, he is politically null. The politicians drop him as unavailable, that is, as a man they cannot use. Just so of a policy. Let the journals decry it, the small politicians denounce it, for they have nothing to gain by it, and the people are said to have decided against it, and foolishly imagine that they have really done so, although the mass of them have really no opinion, one way or the other, on the subject. Knowing how public or popular opinion is formed, we confess we have no respect for it. We do not suppose that one man in a hundred, capable of forming an intelligent opinion on the subject, honestly believes the law of the 42d congress raised salaries above a fair and reasonable compensation; but some unscrupulous politicians or journalists thought that they saw in opposition to it an element of popularity, a chance to make some personal or party capital, and forthwith set themselves at work to manufacture public opinion against it, and frighten the present congress into its partial repeal.

This recognition of an authoritative will of the people outside of that expressed in the constitution, which has no official organ for its expression, and which the government in its several departments, legislative, judicial, and executive or administrative, is not legally bound to consult and obey, so constantly and strenuously insisted on by an irre-

sponsible press, which compels the government in all its branches by the very law of its existence to inquire what is or will be popular, not what is true, wise, or just, is one of our greatest dangers, and if not soon abandoned, will inevitably involve our moral, political, and social ruin. We are neither monarchists nor aristocrats, and we hold that the people, under God, are politically sovereign. Even kings and nobles hold their power from God through the people, and are responsible to them for its exercise. But the sovereign people are the organic people, not the people as an unorganized mass of individuals. It is, as St. Augustine somewhere says, "the people as the republic, organized for the common good." No form of human government but has its imperfections; none can secure the community against every evil, or procure it every good. Some forms are better, and some worse for some countries; but we have always believed the republican form is the best, as it is the only legitimate form, for us. As a Catholic we are opposed to all absolute governments, whether monarchical or democratic; as an American, we defend with all our powers, the constitutional republic, such as our fathers sought to establish, and fondly believed they had established. We regard as un-American and in effect treasonable, every doctrine, measure, or tendency, that threatens the constitution, or that departs from it, whether in the direction of monarchy or in the direction of a pure democracy, which asserts the sovereignty of the people as an inorganic mass or mere population.

We have no sympathy with the republicans anywhere in Europe, because they are, without exception, what we call absolutists, and hold the people are absolutely sovereign, with no authority above them, and absolutely free to do whatever they please. They hold that the people are not simply sovereign in the political order, under God, but are in the place of God, and not subject to his law, or bound to ascertain and govern in accordance with his will. The people, on their theory, are sovereign, as the *Democratic Review* maintained some years since, "in their own underived right and might, inside or outside of constitutions," and consequently they deny the sovereignty of God, and make the people God, which, we need not say, they are not, and cannot be. European republicans, Garibaldi and Gambetta, like European cæsarists, Kaiser Wilhelm and his chancellor, Bismarck, like the Russian czar and his ministers, are political atheists. They deny God in the political order, and reject all divine

authority in temporal affairs. They subject the church to the state, the spiritual to the temporal. Their political system is founded on a falsehood—is a lie, and can be held by no man who holds the divine sovereignty, and with St. Paul, that, *non est potestas nisi a Deo.* We neither sympathize with them, nor wish them success, for they are at war with the divine order, and seek to reverse the immutable law of the universe. We see only danger to our own republic in the sympathy of our government and people with them.

We do not oppose European republicans or democrats in the interests of the old European monarchies, but in the interests of religion and civilization, order and liberty. The present anarchical state of Europe is due to the emancipation of the governments from the law of God, or the traditional *jus gentium*, and this emancipation is due to the governments, not to the people or the republicans, who only follow the example set them by monarchists. The protest against the divine sovereignty began with kings and their ministers, not with the people, and has descended from them to the people. The people of France, in the height of their republican madness, or in their worst revolutionary paroxysms, if more violent in their acts, never, in principle, went further against the sovereignty of God than did Peter the Great and Catherine II. of Russia, Joseph II. and Prince Kaunitz of Austria, and Frederic the Great of Prussia, or than does imperial Germany or royal Italy now. The sovereigns, who made or fostered the so-called reformation, and the Bourbons, who set up or formulated the Gallican dualism, were the founders of the present atheistical democracy of Europe, and are to be held chiefly responsible for the existing anarchy. We cannot, with history before us, exonerate European monarchy any more than European democracy. Hence we do not believe that the restoration of monarchy will prove an effectual remedy either in France or Spain, where it has been overthrown. We have as little confidence in kings as in peoples.

But to return to our subject. We recognize the sovereignty, under God, of the organic American people, and admit their will must govern, has the right to govern, for there is no political power above them. But we hold that it is their will expressed in and through the constitution. Their will expressed outside of the constitution, and collected from journals, the resolutions of caucuses, or even the state legislatures, has no legal force, and no authority to control the

free and independent action of the representatives of the people, or the incumbents of office. We deny that the representative is bound to obey the instructions or the will of his constituents, save as given in the constitution. We cannot applaud the statement once made by a United States senator from New Hampshire, that, whatever office he had held, he "had always made it his first duty to ascertain and obey the will of his constituents." The doctrine is hostile to the very nature of representative government, and we agree rather with the dictum of John Quincy Adams, so often quoted against him, that "the arm of the representative is not to be palsied by the will of his constituents." The contrary doctrine that there is an extra-constitutional will of the people obligatory on the representative denies to government all right to govern, and converts it into a simple agency, makes the constitution nugatory, obligatory neither on the people nor the government, for it recognizes no distinction between the political or organic people bound by the law of its constitution or organization, and the people as an inorganic mass of individuals subject to no law but their own irresponsible will.

We admit that the people, that is, the people organized as the republic or commonwealth, are for us the political sovereign, and that their will is to be obeyed, when it is not incompatible with the supreme law of God, who is above all peoples and states, "King of kings and Lord of lords;" but it is the will of the people in convention, expressed through the constitution. Within the limits of the constitution, the representative is remitted by the people themselves to his own discretion and honest judgment of what is or is not for the public good. In making up his judgment as to the measures he will propose, the policy he will adopt, or line of conduct he will pursue, he is free to consult the state of public opinion and the interests and wishes of his constituents, and if a wise and prudent statesman, he will do so, but not as to the law he is to obey or execute. Nothing can relieve him from the responsibility of forming his own judgment and of following it unflinchingly, whatever may be the popular clamor.

The tendency of our age, and especially of our country, is to place what is called humanity above constitutions and laws, and to assert for the people, indeed for one's party, the authority and infallibility Catholics assert for the church of God. It is from this tendency, purely satanic, and which

caused the fall of our first parents, that our danger is to be apprehended. The people, outside of the political organism created by the constitution, are simply a mob or disorderly mass, without law and without authority. A pure democracy, that is, the people of a given territory, without subjection to a constitution, are not a state or republic, and they have neither the power nor the right to govern. Our government was intended by the fathers, Washington, Adams, Hancock, Rutledge, even Jefferson, to be a constitutional republic, not a democratic republic. Even Jeffersonian republicans, in our boyhood, repelled as a gross calumny the charge of being democrats, made against them by the old Federalists, and up to the second election of Andrew Jackson, no party in the country was or would consent to be called the democratic party. Under the later Adams we had *National* Republicans, and *Democratic* Republicans, but it was not till 1832, when the National Republicans assumed the unmeaning name in American politics of Whigs, that the other party began gradually to call themselves the Democratic party, which has since been very generally accepted, although the party itself has been more conservative and less democratic than the Republican party, which in 1854 or 1856 succeeded the Whig party and absorbed the Native American and Know-nothing parties—the party that has been in place since 1860, and the most unconstitutional, unscrupulous, un-American, and dangerous party that has ever arisen in the country. John C. Calhoun said to us in the winter of 1840–'41, "It has been a great mistake on the part of Republicans to call, or to suffer ourselves to be called Democrats. Names are things; and in the effort to realize the meaning of the name, the party will lose its character, and become what its new name signifies." The party would have become really democratic, had it not been outbid in its democracy by the new Republican party now in power—a party that scoffs at constitutional restraints, and acts on the principle that might is the only measure of right, and that the party that can command a majority of votes may do whatever it pleases.

A western paper, we are told, for we have not seen it, has recently asked the grave question, "What guaranty have we that the people will protect or abide by the constitution?" The answer is, in the first place, if the will of the people is, as widely held since General Jackson's time, as authoritative outside of the constitution as in it, no guaranty is needed,

for the constitution means nothing, and is wholly unnecessary. The answer, in the second place is, that under a democracy no guaranty of the sort is possible. To frame a constitution and trust its guardianship to the people, is like locking up a criminal in a prison, and trusting him with the key of the prison door. The notion of self-government so insisted on by modern liberals is a political absurdity. The constitution is not designed simply to confer powers on the government, but also to place restrictions on it, and therefore on the will of the people themselves as the political sovereign.

The democratic theory, the theory of the Republican party so-called, still more than of the so-called Democratic party, is that the people, like the king of England, can do no wrong; that they are both infallible and impeccable, and may always be safely trusted. It asserts for the people all that absolutists assert for the absolute or unlimited monarch; its constitution simply constitutes the government under the people, and is very much of the nature of a letter of instructions from the principal to his agent; it is not needed to govern the people themselves, or to impose any restriction on their power or freedom of action. The people are absolute, the unlimited sovereign, and what pleases them has the force of law. Liberty means freedom of the people to govern as they please, the unlimited freedom of the sovereign, and, by necessary consequence, the unlimited subjection of the subject, or of the people as the governed. But while this is conceded, the theory is defended on the ground that the people, as the political sovereign, will always see and will what is right and just, true and good, that is, as Mazzini maintained, the people are not only king, but God. The democratic theory is, unquestionably, the deification of the people. Yet the people are no more infallible or impeccable as political sovereign or the state than they are as individuals. The whole cannot exceed the sum of the parts. The parts—individual men and women—are confessedly fallible and peccable; how, from them united or as a whole, get infallibility or impeccability? The whole is made up of the parts, and from fallible and peccable parts no infallible and impeccable whole is obtainable. It is, though irrelevant, the standing argument of Protestants against the Catholic claim of infallibility and sanctity for the church. The argument is worthless as against the church; for the Catholic holds not that the infallibility and

holiness of the church are derived from her members, or of the whole from its parts, but from the Holy Ghost dwelling in her, sanctifying her by his presence, and protecting her by his gracious assistance from error in teaching. But it is good against the democratic theory; for the whole is only the sum of the parts.

But we need not resort to abstract reasoning to prove the unsoundness of the theory in question. Our own experience proves that the people are not safe guardians of the constitution, for they have in numerous instances sanctioned its violation, and in several violated it themselves. It was violated by congress in the case of the creation of the state of West Virginia out of the state of Virginia; for the pretence that the Pierrepont government was competent to give the consent of Virginia was too ridiculous to be seriously considered. Not one of the states that seceded from the Union has been reconstructed on constitutional principles, yet the ruling people approved the unconstitutional laws. The states that seceded either remained states in the Union or they did not; and at the close of the war they were either states in the Union, or territories subject to the Union. If the former, they stood on an equality with the other states, had the same rights with New York or Massachusetts, and congress had no more or other authority to interfere with their internal organization or affairs than it had in regard to the states that did not secede. If the latter, congress had the constitutional right, not to organize them into states, but to pass an enabling act permitting them to organize themselves, and to admit them as states into the Union, if organized in accordance with the constitution, though not to prescribe any conditions precedent not prescribed in the constitution as existing at the time. Yet congress, in its reconstruction acts, assumed them to be states, states in the Union, states out of the Union, and territories subject to the Union, and proceeded to deal with them, as if they were all four at once. If they were states, and states out of the Union, they were independent of the Union, and congress had no authority, except by right of conquest, over them, and their ratification was not necessary to the validity of any proposed amendment to the constitution; yet congress exacted or enforced their ratification, as a condition precedent to their admission or readmission as states in the Union, of the 13th amendment, abolishing slavery for ever in the United States and the territories thereof, and held

such ratification to be necessary to the validity of the amendment.

If they were states in the Union, their ratification might indeed be necessary to the validity of the amendment, but they were entitled to all the normal rights of the states in the Union, and congress had no right to refuse them the exercise of those rights till they had ratified the proposed amendment. If they were not states in the Union, but territories subject to the Union, congress was free to permit or not to permit them to organize as states and demand admission into the Union; but it had no right to demand, as a condition precedent to their admission, the abolition of slavery, for there was no constitutional prohibition of slavery, and on the doctrine asserted, there could be none before they were admitted and had ratified the amendment. But their previous ratification had and could have no legal validity, first, because they were not states in the Union, and second, because it was imposed by the federal government by force and was in no sense the free act of the state.

We do not object to the so-called 13th amendment because it abolishes slavery, but on no principle recognized by the government or the people, can we hold it to be any part of the constitution of the United States. If the ratification by any of the states that seceded was necessary to its validity, it was never ratified by the requisite number of states, for this ratification, not being the free act of the people of the state, counts for nothing. The 14th and 15th amendments are equally unconstitutional; for they war against the most sacred and fundamental principle of the constitution itself, which leaves the whole question of suffrage and eligibility to the states themselves. The states have the sole right to determine who shall or shall not be included in the political people of the state. We say nothing of the policy or impolicy of these so-called amendments: we only deny their constitutionality, whether ratified by three-fourths of the states or not. They are revolutionary in their character and tendency, and destructive of the providential or unwritten constitution of the American people, according to which, though one people, they are organized as a union, not of individuals, but of states, or political societies, each with an autonomy of its own. The sovereignty vests in the states united, not in the states severally, but the Union leaves to each state its individuality, and any proposed amendment that would merge the individuality of the state in that of

the Union, would be unconstitutional, for it would tend to destroy both the state and the Union, by converting the *union* into the *unity* of states.

Give to congress or the Union the power to determine who shall or shall not be the political people of a state, and the state no longer exists: you merge the state in the Union, obliterate state lines, and convert the republic from a federal into a centralized or consolidated republic, or a pure democracy in which constitutions count for nothing, and the majority for the time have unlimited power. Almost all the Republican journals, or such as represent the present ruling majority, speak of the changes effected by these so-called constitutional amendments as inaugurating "a new order" or commencing a "new era" in our history. The *New York Herald*, that admirable index to popular opinion, and which accepts it as its law, whatever it enjoins, boldly assumes that the old constitutional régime has passed away, having been made an end of by the war and the constitutional changes adopted by the people in order to secure its results. It is no longer the constitution that is to be consulted, but "the issues of the war." The issues of the war have proved that the people hold themselves bound by no parchment constitutions that impose any restraint on their will, dominant passion, or caprice for the time. They have destroyed the autonomy of the states, reduced them to mere dependencies on the general government, and made the general government the supreme and unlimited government of the country.

According to the American constitution, to be a citizen, in the political sense, of the United States, it was necessary to be a citizen of some particular state, or to be one of the political society or body politic called by us a state. No one had or could have any political rights in the United States, unless a natural born or naturalized citizen, or constituted one of the political people by the constitution and laws of a particular state. Hence the convention of 1787, while it gave to congress or general government the power to make uniform *rules* of naturalization, or to prescribe the conditions of naturalization, gave it no power to enact naturalization *laws*, to naturalize or to make citizens. The citizens when made became citizens of the United States only by virtue of the fact of being citizens of a particular state. No power known to our constitution could make the freedmen citizens of the United States, but that of a particular state;

and none could compel a state to concede them political rights or forbid it to make any discrimination between them and other classes of its population. The convention that frames or amends the written constitution is not a convention of the people outside of their organization into states, but a convention of preëxisting states united, and is forbidden by the law of its existence, or its unwritten constitution, to obliterate the independent state organizations: for that would be for the convention to commit suicide, or to deprive itself of all power or authority, since it holds from preëxisting states united. To take from the state the authority to determine who shall or who shall not be citizens thereof, with the plenitude of political rights, and give it directly or indirectly to congress or the Union, is to destroy the state as a body politic, and therefore decidedly unconstitutional. No amendment of the written constitution, by the states in convention assembled, could authorize the civil rights bill, passed by congress; for states, in or out of convention, have no more right than individuals to commit suicide.

The whole series of Republican congressional legislation, bearing on what we may call the negro question, including the 13th, 14th, and 15th amendments, are unconstitutional, and destructive of the Union as the union of preëxisting states. This legislation has been adopted, nay demanded, by the people, that is, by the governing majority, and enforced by the federal courts and bayonets wherever resisted. It is idle then to pretend that the people are safe guardians of the constitution. The people will preserve the constitution, when it is not in their way, or when it serves their purpose; but whenever it opposes an obstacle to their will, pet passion, or fanaticism, they will brush it away as a mere cobweb, and rush on with resistless fury to the realization of the end which, for the moment, they have in view, be it good or bad. It was principally this tendency observed in the northern and central states, especially this state of New York, the leader in all bad experiments in politics and legislation, to disregard constitutions, to sweep away every obstacle to the direct and immediate sovereignty of popular opinion, and to introduce the reign of an unmitigated, centralized democracy, that provoked the slaveholding states to secede from the Union, and to attempt to found an independent, constitutional republic. Up to a certain extent we sympathized with them; but we opposed secession, as a

breach of faith, as revolutionary in principle, and as a recognition of that very sovereignty of the people back of the convention or constitution which we deny; also because we foresaw that the attempt to found an independent constitutional republic with slavery as its corner-stone, in these days of fanatical philanthropy and humanitarian radicalism, would assuredly fail, prove suicidal, and enable the centralized democracy which they and we alike opposed, to fasten itself upon the country for ever. The constitutional party in the non-slaveholding states could not afford to lose them, for without them they were powerless, but with them, there was still hope that the government might be brought back to the constitutional track. The only hope for them or for the constitutional party in the free states, was for them to remain *in* the Union, and exert their influence with us in resisting the tendency to centralized democracy, or humanitarianism. But, unhappily, the southern leaders had made their own people fanatics on the question of slavery, and rendered it impossible for their natural allies at the North longer to support them without losing all their influence at home. So secession and civil war followed, and the fanatical humanitarianism triumphed, and the Union ceased to be a union of states, the people, irrespective of state organization, became practically sovereign, and the federal republic became a consolidated republic, or centralized democracy, "one and indivisible." The will of the people, that is of the majority, that is, of the press, demagogues, and lobbyists, or their employers, is supreme. We do not exonerate the southern leaders from all blame; for they unwisely placed us in a position that we could not remain neutral on the slavery question, or leave it to the people of the states themselves, where it belonged, but compelled us, in case we coöperated with them, to support slavery, and to defend it wherever it was not forbidden by state law, which we were not required to do by the constitution of the Union. But the chief blame falls on the democratic tendency of the people, too much favored before the war by the Democratic party, but best represented by the so-called Republican party, which has held the power since the secession of the southern states. The lesson that the result teaches is that to assert the sovereignty of the inorganic people, and then to seek to bind them by constitutions, is absurd.

The slave states were specially interested in insisting on the constitution, and the sacredness of vested rights, for they

held their property vested in slaves by positive, not by natural law, and could hold them securely only by the constitution, which prohibited all interference with them by the humanitarian fanatics of other states. But there are other interests which, though now protected by the written constitution, have no real security under a centralized or humanitarian democracy, that is, the unlimited power of the majority. Catholics are in a decided minority in the Union. Hitherto they have received a measure of protection in their rights from the constitution and laws; but what guaranty have we that they will continue to receive it, or that the Protestant majority, no longer restrained by constitution or law, and free to follow their own will, likes and dislikes, will respect the freedom of Catholic worship, protect our religious institutions, churches, schools, colleges, convents, asylums, and charitable foundations, or ecclesiastical and eleemosynary property? They have the power, and what is to hinder them from exercising it against us?

And are they not preparing to do so? What else means their incessant denunciation of our church as incompatible with the liberal constitution of the country, or what they call free government? What mean these unwearied efforts to arouse the political passions and prejudices of our non-Catholic countrymen against us? What else means the formation of Union Leagues, Evangelical Alliances, and Young Men's Christian Associations against us? These are all combinations and movements designed, not to convince Catholics of the unsoundness of their faith, but to prevent Protestants from turning Catholics, and to collect and arm a force to deprive Catholics of their freedom. To this same end are directed the efforts that are made to effect a union of the various sects, and combine them as one body in an anti-Catholic movement, and which the growing dogmatic indifference of Protestants promises to render not unsuccessful. Indeed, the Protestant majority are not only conspiring and preparing to deprive Catholics of their freedom by subjecting the church to the secular power, as Bismarck is doing in Germany, but they are actually depriving us of our rights, by their common-school system, which taxes Catholics to support a system of sectarian or secular education which their church condemns, and which is soon to be made compulsory by an act of congress. What guaranty have we—but the will of a majority that is bitterly hostile to us—that our churches will not be taken from us, our

schools and colleges suppressed, and our bishops and priests fined, imprisoned, exiled, or massacred? This is only what Protestants have done in all other countries where they have had the power, and Protestantism is no less hostile to the church now than it was in the time of "Good Queen Bess," or the Puritan commonwealth of England. The courts, having still a sort of traditionary respect for constitutions and laws, may in cases that come before them decide according to existing law and afford us some protection; but what guaranty have we that the majority will not alter or abrogate the constitution, and enact laws against us? What guaranty have we that the judges elected by popular vote, from the ranks of anti-Catholics, holding their offices for a short term of years, and dependent on their popularity for reëlection, will not shape their judgments in accordance with the wishes of the ruling majority? Is there a court in the Union that would set aside as unconstitutional, or refuse to enforce the common-school law, which taxes me to support a sectarian or a secular education which my religion condemns, and which I abhor? It is idle to pretend it, and equally idle is it to plead the equal rights of Catholics and the inviolability of conscience, to suppose that they—where the majority has the power, holds its will has the right to prevail—can afford any adequate guaranty.

These considerations suffice to show that democracy affords no guaranty of constitutional freedom, of equal rights, or of truth and justice. The absolute sovereignty of the people, the principle of democracy, and which means that the majority for the time have the unlimited right to govern, is incompatible with constitutional government, and therefore with civil and religious freedom. The people can no more be trusted, and in some cases, perhaps even less, than kings and kaisers; and demagogues are not a whit preferable to courtiers. It is very natural that our Catholic citizens, finding their religion comparatively free here, should be but too ready to attribute the freedom accorded it, to the democratic form of our government, and to conclude that the more purely democratic it can be rendered, the surer will be the guaranty of that freedom. Hence it is not to be wondered at, if we find them the most earnest defenders of the sovereignty of the people among us, and ready to foster to the utmost the democratic tendency of American politics. Perhaps, also, finding their church charged with being anti-democratic, they have been anxious to refute the charge by

the ardor of their democratic devotion—not reflecting that their devotion to democracy, and ardor in defending it, would prove nothing but their want of fidelity to their church, unless they first proved that she authorized or sanctioned their democratic ardor and devotion. Bishop England, indeed, went so far as to maintain that the church herself is democratic in her constitution—so far was he carried away by his Gallicanism and his desire to show that his religion conformed to the political theory of the American people. But in all this, our brethren were unwittingly asserting the supremacy of the secular order, subordinating the rights of God to the rights of the state, and depriving themselves of all security for the freedom and independence of their religion, but such as is afforded by the will of a people that holds it to be the Mystery of Iniquity, and a besotted superstition. Surely God upholds the church; or the folly and blindness of her children, even of her prelates, would long since have ruined her. To flatter the people and extol their wisdom and virtue is as uncatholic as to flatter and extol the wisdom and virtue of the prince.

But while we deny that democracy affords any guaranty for truth and justice in the government, or for either civil or religious liberty, we do not go to the opposite extreme, and seek such guaranty in monarchy or aristocracy, or even in so-called mixed governments, like that of England. We have as much confidence in simplemen as in noblemen, and in the people, organic or inorganic, as we have in kings and kaisers, in democracy as we have in monarchy or aristocracy. We care little about forms of government, and agree with the French professor who said, "Forms of government are like the forms of shoes—those are best which best fit the feet that are to wear them." We believe nothing in what are called constitutional guaranties. Power can break through or ride over any constitutional barriers the wit or the wisdom of statesmen can erect, and tyrannize, if so disposed. The simple fact is, the temporal or secular order is incomplete, and never does or can suffice by itself alone for good government, any more than man, who is dependent for every breath he draws, nay, for his very existence, on the creative act and efficacious presence of his Creator, can suffice for himself alone. Secular government, separated from the spiritual order, is insufficient for the ends of secular government, and hence the significance of the condemnation in the Syllabus of the separation of church and state,

so widely and so fiercely demanded by the political atheism of the day, and, we are sorry to confess, by not a few who call and believe themselves devout Catholics.

The secular government needs, in order to perform its legitimate functions, the presence of a power which it is not, and which lies not in its sphere or its plane, to supply what it lacks. This power is religion, or what we call the church, which has subsisted from the beginning. No atheistic government can stand. The spiritual order, religion, must sustain and direct the secular government and supply its defects, or it fails of its end. The heathen recognized the absolute necessity of religion to the state; but, carried away by their nationalism, they included it in the state, and made it in fact a civil function, as do all modern Protestant nations, holding from the secular order and responsible to it. They absorbed religion in the secular, established in principle, not the *union*, but the *unity* of church and state, which deprived the state of all the aid religion could give it, and left it as bad off as if it recognized no religion at all. The Anglican church is not a power distinct from the state, but is simply a part of the state machinery for governing the English people. It is a creature of the state and must obey it. The same may be said of the Evangelical church in Prussia and Protestant Germany; also of the schismatic church in Russia; and if Gallicanism separated the two powers, it in effect asserted their unity, by subjecting the church, as a governing body, to the secular power. Bismarck is only a consistent Gallican, and is only laboring to deprive the Catholic Church, in the empire, of her freedom and independence, and to subject her to the secular power, that is, to secularize her and absorb her in the state. He is only carrying out what, with very few exceptions, has always been the doctrine of the sovereigns and their legists and parliaments, as opposed to that of the papacy. Secular sovereigns are willing enough to use religion, but the moment the church presents herself as a power distinct from the state, holding from an authority above it, and independent of it, they oppose her as hostile to their royal authority. It is the common charge against the church that she claims to be a power independent of the secular order, or civil government, and superior to it. The English Solomon, the learned pedant, James I., of England, in his "Remonstrance for the Divine Right of Kings and the Independency of their Crowns," rings the changes on this charge *ad nauseam*.

And nothing so stirs up the bile even of the American people as the assertion that the priest is not subject to the civil magistrate, or that the pope is above the emperor. Have we not heard any amount of indignant nonsense babbled about the haughtiness and arrogance of popes who rebuked crowned tyrants, and made kings and emperors hold their stirrups? Is not nearly all English literature filled with tirades about the insolence of churchmen? The sectarian and secular press of the United States has words of sympathy for Kaiser Wilhelm and his chancellor, and we have not found or heard of one that condemns the principle, the subjection of the church to the state, on which they act, though some doubt the success of their war against the pope.

Yet neither, sovereigns nor statesmen, neither able editors nor people, understand or reflect that their success would be their signal defeat. If they could subject religion to the secular order, or completely secularize the church, they would reduce themselves to the secular order alone, and deprive themselves of all aid from religion. To secularize religion is to nullify it. It would make the state as insufficient for its proper functions as would be the body without the soul, or the soul without God. Religion to be able to assist the secular order and supply its deficiencies, must be independent of that order, and hold, not from it, but from an order above it. The church is nothing, and can do nothing, save as a distinct and independent power holding immediately from God. Not otherwise can she introduce the divine element into the government of the nation, the element that the nation cannot develop from itself, and which can come to it only from above, or by a supernatural provision of the Creator himself. It is then only as a divinely constituted power, independent of it and superior to it, that the union of the spiritual with the secular would add any thing to the secular which it has not without it. We may here see the folly of the wise, the ignorance and conceit of the great, who refuse to recognize the church as an independent power in the government of men and nations.

What sovereigns and statesmen are slow to learn is, that religion, subjected to the secular, becomes itself secular, adds no element of wisdom or strength to the government, and introduces into the government of men and nations no divine or spiritual power. They proceed on the assumption that their own secular wisdom and strength are sufficient for the right government of society, and that, if the spiritual

power is needed at all, it is needed, not to enlighten, direct, and control the rulers, princes, judges, magistrates, or the leaders of the people, but simply to enjoin, and, by appeals to the terrors of an invisible world, to enforce, submission, not on rulers to the law of God, but on the people to their secular rulers. Hence they make, or would make, religion simply an instrument of secular tyranny and oppression. It is this that has brought religion into disrepute, excited the popular hatred against it, and driven large masses of the people into infidelity or downright atheism. The church, which has always struggled against the theories of princes and their courtiers and lawyers, and used her power to make rulers rule justly, according to the prescriptions of the divine law, is, by a strange perversion of truth and justice, held responsible for the tyranny and oppression due only to the disregard by rulers, kings and emperors, princes and nobles, of her spiritual authority. The people to-day curse the hand that interposed for their protection, and visit their wrath on the popes who suffered imprisonment, exile, and death to shield them from the tyranny and licentiousness of the secular powers. If the church has enjoined resignation and submission on the part of the people or the governed, she has enjoined with no less energy on the governors to govern wisely, justly, according to the law of God, and, wherever her power was recognized, she sought to compel them to do so. Hence their wrath against her.

But be this as it may, it is only by the union and concord of the two powers, that is to say, of church and state, that wise and just government is possible. The difficulty under gentilism was, that religion, which introduces and sustains the supremacy of the divine element, was not recognized as a power distinct from the secular power and independent of it, but coexisting and coöperating with it, and forming with it one complete government of society. The same difficulty exists in all modern states that reject the church as an independent power, holding immediately from God, whether they do so by separating the two powers and asserting the independence of the secular, as does Gallicanism, or by subjecting the church to the state, as does Protestantism, with the exception, more apparent than real, of the Calvinist sects. The gentile nations were unable to stand, and the greatest and most renowned of them exist only in their ruins and the historian's pages; the modern nations, notwithstanding their boasts, are following their example,

and only alternate between despotism and anarchy or revolutionism.

God has provided for wise and just government, alike for the support of authority and the maintenance of liberty, but he has done so, not in one unitarian institution, but by two distinct powers; one spiritual and the other secular, which by their union, as soul and body, constitute one adequate and complete government. There can be no wise and just organization of society without the union and concord of these two powers, and consequently, none in a gentile, Protestant, or non-Catholic community. It is only in a thoroughly Catholic community that you have or can have any adequate guaranty of wise and just authority on the one hand, and of true and orderly liberty on the other. The church is as necessary to the organization of society, its existence, freedom, and growth, as is the sun in the heavens to the vegetable and animal kingdoms. It is to the state the source of light and heat—is its vital and informing force. It is the sun of the moral world, as the Scriptures imply, when they call her divine Founder "the Sun of Justice."

Hence it may be easily seen why the question as to forms or constitution of purely secular governments is of little practical importance. No possible organization or constitution of the secular that rests on the secular alone for its support, can furnish the guaranties needed either by liberty or authority; for no guaranties lying in or depending on the secular order can bind or restrain it. For a thoroughly Catholic community, that fully recognizes the supremacy of the spiritual order, the sovereignty of God, and the authority of the pope, true vicar of Christ on earth, there is always an adequate guaranty for truth and justice, and for both authority and liberty, in the church which declares and applies the law of God to the rulers as well as to the ruled, whatever the form or constitution of its secular government; while for a community which rejects or does not accept the church, or the papal authority in its plenitude, no sufficient guaranties are possible, and the wisest and most skilful that can be contrived will avail nothing in the hour of trial; for without her or that authority, no divine element enters into the government. The important matter, therefore, is not how to constitute the government, but how to make and to keep the community, both rulers and ruled thoroughly Catholic.

We say *thoroughly* Catholic, which has rarely, if ever, been the case, even in any so-called Catholic nation. The excellent Kenelm H. Digby gives us, in his "Mores Catholici," a rose-colored picture of what he calls the Ages of Faith; but in those very ages, the struggle between the pope and the emperor raged, as also that between the Catholic spirit of gentleness, meekness, and charity, and the brutal manners inherited from pagan Rome, or introduced by the barbarian invaders of the empire from Scandinavia, Germany, Hungary, Arabia, North Africa—from the North, the East, and the South. They were the ages of Henry IV. of Germany, of the Hohenstaufen, Henry II. of England, Don Pedro of Spain, Philip the Fair of France, the Paterini, the Albigenses, and other heretics, hardly surpassed in enormity by the communists of our own day. The church had conquered, so to speak, the leading European nations, but she had only partially subdued and moulded them, princes or people, into harmony with the divine teachings of the Gospel. The spirit of rebellion persisted, and there were nearly always provinces in open revolt. It is idle to pretend that there was, even during those ages, a single thoroughly Catholic nation on earth. The papal authority, if acknowledged in words, was almost uniformly resisted, when exerted against brutal, lustful, and tyrannical rulers, and not seldom by a large portion of the national clergy and people who sided with the national sovereign, and sometimes with success. Those "Ages of Faith" were followed by the Protestant revolt, and that by the Gallican rupture of the union of church and state, which for over two centuries and a half has crippled the papal power and left the secular power virtually to govern alone. And yet liberty, as well as order, was more secure during those much decried middle ages than it is now, when no government on earth recognizes and submits to the papal authority. All that is worth preserving in modern society was elaborated by the popes and clergy during those ages. If they were able to do so much in half-catholicized nations, what might they not have done in a nation thoroughly Catholic?

There are two things which, under the point of view we are now considering the question, a nation, in order to be thoroughly Catholic, must cordially accept and firmly hold: 1, The absolute sovereignty of God; and 2, That the pope, or successor of Peter in the see of Rome, is the vicar of Christ, commissioned by him to keep, interpret, and apply

his law to the government of all men and nations, princes as well as subjects. The first point all who pretend to be Catholics at all acknowledge, although some would-be Catholic philosophers do all they can to obscure it by maintaining that God *gives* us rights even against himself. The late Dr. J.V. Huntington maintained it against our assertion, after Donoso Cortés, that man has duties, but no rights before God. But God, though he may give us rights against society, against our fellow-men, or the lower creation, can give us none against himself; for that would be to deny his universal dominion founded on his creative act, by which he creates all things visible and invisible from nothing.

The second point the sovereigns and their lawyers, especially Gallicans, who can no longer be counted as Catholics, try to evade, when they do not expressly deny it. They distinguish between the natural law and the revealed law, and pretend that the pope holds only under the revealed law, while the prince holds under the natural law, which the revealed law does not repeal. The pope, therefore, they contend, is the vicar of Christ or representative of God only in the revealed order, that is, in regard to dogmas, the sacraments, and worship, while all other matters, assumed to be cognizable by the light of nature, are placed within the jurisdiction of the prince, or of the sovereign people. But the conclusion does not follow, for the two laws, though distinguished, are but distinct sections of one and the same divine law, and as the natural exists for the supernatural, the natural law for the revealed law as its end, it follows necessarily that he who has jurisdiction under the revealed law, has jurisdiction under the natural law, its simple preamble. The pope has plenary authority to teach, govern, and direct the universal church, and this authority, as defined in the Bull *Unam sanctam* of Boniface VIII., extends to every creature; and the pope's definition must be accepted as infallible, in its true sense, which we take it is that the pope's authority extends to all men, to sovereigns as well as to subjects. The pope judges questions that arise under the natural as well as under the revealed law, and declares what is right or wrong under either law. The second point, at least since the decrees of the Council of the Vatican, can no more be gainsaid by any Catholic than the first point. Every Catholic is bound to recognize and to hold the absolute and universal sovereignty of God, and the plenary authority of the pope as the vicar of Christ to teach and

declare the law of God and to apply it to all ranks and conditions of men, to states and empires, princes and subjects, in all their relations in life, social, political, domestic, and individual.

In the Catholic Church, with this Catholic faith firmly held by the great body of the people with their rulers or leaders, forming their public and private conscience, the law of their intelligence and their will, the needed guaranties of authority and liberty will be found, as sure, as permanent, as perfect, as the divine government can furnish without depriving men of their free will, which God always respects, or in accordance with which he always governs the individual and the nation. With the Catholic Church as representing the divine order in society, and the Catholic faith in its purity and integrity held by the whole people, and informing their intelligence and conscience, the deficiencies of democracy are supplied and the objections to it disappear. But without the church, that is, without the power representing the divine sovereignty in the government of human affairs, and the Catholic faith held by the great body of the people, democracy offers no guaranty for either authority or liberty, for truth or justice, and simply substitutes the despotism of the many for the despotism of the few, or that of the one. For ourselves we ask no constitutional changes in the political order of our country, but we do ask for a change in the people, a change to be effected by the Catholic missionary and their conversion to the Catholic faith, in which is our only hope for our country, as well as for the salvation of the souls of our countrymen.

Holy Scripture tells us very plainly what we are to think of the efforts of statesmen and patriots who seek to found the state on the secular order alone, or to make it independent of the church, that is, of God, when it says, "The wicked shall be turned into hell, and all the nations that forget God." History and experience confirm it. The ancient nations that apostatized from the church and undertook to follow their own devices have been blotted out; the once Christian East, having broken from the centre of unity, and cast off the authority of God, represented in the government of men and nations by his vicar, is sunk in hopeless despotism; and the western nations that have rejected the papacy, that is, "forgotten God," are the prey of ceaseless conspiracies, seditions, insurrections, and violent and bloody revolutions, without security either for authority or liberty,

alternating between despotism and anarchy. What is called order, whether within or without, is liable at any moment to be broken, and is maintained in Europe only by a force of five millions of armed men. In our own country, which scorns and detests the papacy and applauds the Italian ministry for holding the pope a prisoner in the Vatican, and is devoted body and soul to the worship of Mammon, crime stalks abroad at noonday, frauds, breaches of trust, peculations, defalcations, and failures of moneyed institutions, a depreciated currency, and commercial and industrial crises, are fearfully prevalent, while the people collectively are daily and hourly living beyond their income, running in debt, and proving that Mammon, a real devil as he is, never fails to ruin and mock his worshippers. Who devotes himself to material prosperity will find even material prosperity for ever eluding his grasp.

And what else could we expect? Who dares pretend that the secular order is independent, self-existent, and self-sufficing? Who dares deny that it is dependent on God for its very existence, for all that it is or has? How, then, can it forget God, sever itself from the spiritual order, and live and thrive? Yet this is precisely what kings and emperors, princes and peoples, are foolish enough to expect when they reject the church, or seek to subject her to their will.

# THE EXECUTIVE POWER.*

[From Brownson's Quarterly Review for July, 1874.]

THIS is a work written originally in French by an intelligent French nobleman, the Marquis de Chambrun, resident in some official capacity, we believe, for several years at Washington, and who has devoted much of his time and attention to the careful study of the constitution and working of the American government. He intends giving the public the result of his studies and observations in four volumes, of which the present volume on the executive power is the first. M. de Chambrun writes, no doubt, with primary reference to the instruction of his own countrymen in the crisis France is now passing through, and to indicate to them what in our constitution and example may be prudently imitated, and what should be carefully avoided, whether the republic is to be definitely established, or monarchy in some form is to be restored. He is in general correct in his statements and appreciations, showing that he has really studied our political institutions, and understands them far better than all but a few among ourselves understand them; and his observations are usually wise and just, and prove that he has studied politics as a science.

M. de Chambrun understands well that the same constitution of government is not adapted alike to all nations, and he does not, while he evidently has no anti-republican prejudices, seem to regard, like so many of our own countrymen, the fact that a nation is not in the condition that makes the republican form the best possible form of government for it, as a proof that it is inferior or less advanced in civilization. We do not think that a republican form of government is adapted to any European nation, but it would be a great mistake to suppose, because it is adapted to us, that we stand at the top of the scale of civilization, in any current sense of the word. Political propagandism is a folly and a crime, whether attempted peaceably or forcibly. Providence gives to each nation, not miraculously, or by direct

*_The Executive Power of the United States._ A Study of Constitutional Law. By ADOLPHE DE CHAMBRUN. From the French. By Mrs. MADELEINE VINTON DAHLGREN. Lancaster: 1874.

supernatural intervention, unless in the case of the chosen people, but in its ordinary operations, and by the agency of second causes, the political constitution best fitted to its genius, its wants, and its destiny, and it is a crime and a sin to attempt to subvert it whether from without or from within. Abuses may be reformed, but the revolutionizing of a government, or the destruction of an existing constitution of a nation even for the purpose of introducing a new and better one, has, in no instance on record, failed to make matters worse, and ultimately to cause the nation's death. The folly as well as criminality of seeking to meliorate the political and social condition of a people, or to advance civilization by revolution, is abundantly proved by the century of revolutions, not yet closed in Europe. Something may sometimes perhaps be gained by the violent change in the person of the ruler; by the violent change in the constitution, nothing.

The author notes several provisions in the constitution of the executive power that have a most happy effect with us that would be either impracticable or disastrous in his own country. In his exposition of the powers of the executive he follows the *Federalist* and the best authorities on the subject, and his statements may be relied on as correct. He approves that feature in the constitution which establishes the unity of the executive, and makes the president alone responsible for his administration. This is a feature we ourselves are apt to overlook. We forget that our constitution knows no responsible ministers, and speak of the president's secretaries as his "constitutional advisers," as "cabinet ministers," and as "the cabinet." The secretaries are simply the president's clerks, and he is as responsible for their acts, constitutionally, as a merchant is legally for the acts of his agents. The only thing in the constitution apparently in conflict with this complete responsibility of the president is the restriction placed on his appointing power by the necessity of the confirmation of his appointments by the senate. A still further deviation from the theory of a single responsible executive head was attempted in the law that makes the consent of the senate necessary to removal from office. Each is a restriction on the administrative power of the president, and to that extent relieves his official responsibility.

The author very clearly perceives that the election of the president by electors elected in the several states by the people is a piece of useless machinery, for the popular elec-

tion as effectually decides who is to be president as it would if the people voted directly for president without any intervention of the electoral colleges. In theory the electoral colleges are independent, and have the right to elect whom they please, whether popularly designated or not; but in practice they have no independence or discretion in the matter, but must give their suffrages to the candidate of the party which has elected them. We agree with the author that a change in the constitution abolishing the electoral colleges and permitting the people to vote directly for president would clear away a practical absurdity, and make theory conform to fact; but we do not agree with him, and some of our own politicians, that the change would tend to break up the caucus system, to weaken the tyranny of party, or to enlarge the freedom of choice of the voters. There would remain the same motive for party organization as now, and as strong a reason for a caucus nomination, and perhaps a still stronger reason when the people of the several states vote directly for president, as when they vote for electors. The electors count for nothing with the people in the presidential election, and it is not to elect them, but the candidate of the party for president, that party machinery is invented and employed.

We have ourselves, in common with many of our countrymen, declaimed against the strict party organization which obtains amongst us, the caucus system, embracing in its ramifications, town, county, state, and nation, and establishing a party tyranny which few have strength of mind, or of character, enough to break through, and reducing the freedom of the citizen, in politics, to a choice between two or at most three parties and their respective candidates; yet we are forced to admit that this is a necessity of all popular governments. What is called self-government would otherwise be absolutely impracticable. If every elector were free to vote for any one according to his own individual judgment and choice, there would and could be no election at all. The majority have no opinions or judgment of their own, and are incapable by themselves of forming any. The bulk of mankind are born to be led, and can only follow their chiefs, the few born to lead, or who contrive to usurp the place of natural-born leaders. Nothing is or can be further from the truth than the assumption of the natural equality of all men. The first family, the first school we visit, the first crowd in which we mingle, belies it. One leads, is ring-

leader, the rest follow. No training or equality of education can make it otherwise. We in this country are doing our best by our common schools to create and preserve an equality which nature nowhere provides for, and succeed only in bringing all down to a low level of intelligence, yet with us, more than elsewhere, the many follow, the few lead. Go into your United States senate or house of representatives, or into any of your state legislatures, and you will find all the members, except some three or four, simply lay figures. All men have by the law of nature equal rights, and in this sense the natural equality of all men is a truth, but in no other sense. Hence the democratic form of government is of all possible forms the most unnatural, the least in accordance with the natural capacities, dispositions, and tendencies of the race, and it becomes a practical government only when it is neutralized by party organization, party machinery, and party discipline, enforced by appeals to men's selfishness, ambition, or greediness.

The original, and so to speak, the natural form of government, is the patriarchal, and deviation from it, the exchange of the family for the city or state, however constituted, marks a social deterioration. Hence civilization, in this its etymological sense, from *civitas*, city or state, is really a fall, not, as commonly held, a progress. The builders of cities, that is, the organizers of civil governments, in contradistinction from the original patriarchal régime, are not regarded with favor by the sacred writers, and the mightiest of them are treated as enemies of the Lord. They are Cushites, an accursed race, among whom originated idolatry and the great gentile apostasy. There can be little doubt that the introduction of the political order instead of the patriarchal, was the first step towards gentilism, and was the font of rebellion against the natural and divine constitution of society. It placed politics in the thoughts and affections above religion, the service of the state above the service of God, the statesman above the priest, and the military hero above the saint.

But to return from this digression. The experience of every popularly constituted government proves that a resort to party organization and party discipline is absolutely necessary. In Great Britain, where the three estates constitute, theoretically, the government, politics are an affair of party, especially since the power has effectively passed into the hands of the commons. We foolish Americans talk

about and declaim against the British aristocracy, and do not seem to be aware that the commons, not the aristocracy, govern, that the commons have become the nation, and are no longer a simple estate. Against the commons, the king or queen and the house of lords are powerless. The British government is, in fact, as democratic as the American, and the nobility have less influence on its policy and legislation than have bankers, manufacturing corporations, and great railway companies on ours. In Great Britain, as in the United States, the industrial or business interests shape the action of the government. Well, in Great Britain the parties are organized under party chiefs, and elections are simply a struggle between the *ins* and the *outs*. Mr. Gladstone, the chief of one party, is defeated, goes out, and Mr. Disraeli comes in. A third party may be organized like the home rulers and if the two parties are pretty nearly equal it may throw out the government, but can carry none of its measures without forming a coalition with the one or the other of the two old parties, and the coalition, if formed, will be negotiated by the recognized chiefs of the parties, whose agreement the members are expected to observe; for any member to bolt would be his disgrace and political death.

In our country the same system of acting politically through party organizations obtains, only more systematically developed and rendered more complete and stringent. Here the individual is merged in the party, and his entire freedom consists in choosing his party, and in voting for one of two candidates, neither of whom, it may be, does he approve. In 1868, freedom of voting was reduced to a choice between General Grant and Horace Greeley, neither of whom in my judgment, was fit for the office for which he was a candidate; and so I voted not at all. Practically I was deprived of my right of suffrage. Yet were there no party organization, and men felt no attachment to party and under no obligation to vote for its nominees, or no efforts were made by party leaders or managers to bring out voters and concentrate their votes, comparatively very few free and independent citizens would take the trouble to go to the polls, and the persons voted for would be nearly as numerous as the persons voting. No one would have a majority, and there would be no choice, no election. Even with all our party machinery and party efforts, experience proves that it is seldom practicable to secure an absolute majority for a candidate, and most of the states provide that a plurality—

often a small minority of the freemen voting, and still smaller minority of electors registered—shall elect. The Marquis de Chambrun does not exaggerate the evils of party spirit, party machinery, or party tyranny, but we regard them as inevitable under our form of government, or any government depending largely on popular suffrage. Universal suffrage and eligibility are high-sounding words, but they must be made in some way or by some means to count for nothing in practice, or the business of government cannot go on. Whether the advantages secured by popular elections, controlled by irresponsible party leaders, are an adequate compensation for the evils of party spirit and party tyranny is a question we are not called to decide. We only know this, that no man rising far if at all above mediocrity can be elected to any important position by popular suffrage. It is only the light weights that win. There is not, so far as we are aware, a single first-class man in office, executive, legislative, or judicial, in state or nation. Perhaps we have no first-class men in the nation. Democracy, as the late Fenimore Cooper, himself a Democrat, asserted, has an inevitable tendency to bring all down to a common average. The debates on finance and currency questions, the absorbing questions at present in the country, which have been going on for months, both in and out of congress, betray an ignorance, a shallowness, and narrowness of mind, a weakness of intellect, and a deficiency of intelligence that is by no means encouraging to the advocates of democracy. The only speech that has been made in the senate of the United States during the present session, which rises at all to the level of the subject, was made by a naturalized citizen, who did not receive his training in democratic America or under democratic influences. We have not been in the habit of regarding Carl Schurz as a man of the first eminence, and yet beside him, your Grants, Mortons, Logans, Butlers, Boutwells, Richardsons, and Ferrys are mere pigmies, in matters of finance and currency.

The author makes the mistake almost universal with our own countrymen, that of assuming that sovereignty with us is vested in the inorganic people, or the people regarded solely as population. Such is not the fact. Sovereignty with us vests in the organic people, in the people organized and existing as states, and states united, as I have shown at length and I think conclusively in my "American Republic."

This fact was overlooked by both the parties that met in mortal conflict in our late civil war, and it is only on the ground here assumed that the federal government had or could have any right to treat the confederates as rebels, or the supreme court could declare the war between the Union and the confederacy "a territorial civil war." It would have been, if the sovereignty vested in the inorganic people, to all intents and purposes a foreign war, or a war between two independent sovereign powers. The federal government blundered from beginning to end during the war, and in its methods of reconstruction since. At first it treated secession as an insurrection against the state governments, although it was the state governments themselves that headed it. It defended its right to interfere and put it down under that clause of the constitution which authorizes the federal government to suppress insurrections in a state. Afterwards, it treated it as an insurrection and rebellion against the Union, which it could not be, unless the Union was sovereign. But the Union is a union of states, and was not and could not be sovereign, if the sovereignty vested in the inorganic people, or the people back of all political organization. The people, then, if such were the case, owed it no allegiance, and therefore could not rebel against it. The people of the southern states, therefore, in seceding from it could commit no offence against it, for they were only exercising their sovereign right. If there was any right on the part of the Union to coerce them into submission, the Union must be sovereign, and then sovereignty with us must vest in the Union, that is, in the states united, not in the inorganic people nor in the states severally.

We maintain, and have always, except for a brief moment, before we had fully investigated the question, that the states had a right to secede, if they chose; the same right that a sovereign has to abdicate; but we denied, and deny, that by seceding they became independent states, or territory independent of the United States. By seceding they lost their sovereign rights, which are held only in the Union, and became simply people and territory subject to the Union. They ceased to participate in the national sovereignty, and simply came under it, and therefore became criminals when they resisted it, and rebels when they made war against it. The federal government committed the blunder of supposing that the several states who hold the national sovereignty

*in solido* and who in reality are it, were under it; and subject to its authority, and the further blunder of holding that the states that seceded remained sovereign states in the Union, because, forsooth, secession was an illegal act, and therefore null; and yet were at the same time out of the Union, and subject to it. The secessionists were wrong, we hold, in their doctrine that sovereignty with us vests in the states or the people of the states severally, but, granting that, their whole proceeding was logical and justifiable, unless possibly there was, in some instances, a breach of faith. But the federals, on any ground they took, were self-contradictory, logically and legally indefensible. Some three or four members of congress understood the question, but they were lost in the dense fog that enveloped the rest, the administration, and the people. The military on both sides did credit to themselves, when not led by civilians nor thwarted by the civil authorities; but the northern politicians, from the president and secretary of state down, only proved their ineptness—that a man may be a respectable country attorney, without being a constitutional lawyer, or a statesman. But what is to be expected of shopkeepers, manufacturers, bankers, brokers, and their factors?

The author states very truly the powers of the executive, and while he shows that his independence is sufficiently protected against any encroachment of the other departments of the government, he apprehends no danger of his usurping, to any serious extent, powers not confided to him by the written constitution. In this we believe him right. The former clamor, in old Whig times, against the "one man power," and the present cry about the danger of "cæsarism," raised by the *N. Y. Herald* and other sensation journals, we regard as both senseless and mischievous. Every government needs a strong and efficient executive. The executive patronage is very great, but it is in the hands of the politicians of his party, and the president himself, of his own free-will, can hardly appoint a tide-waiter, though responsible for the conduct of all federal appointees. The greatest danger the republic runs is undoubtedly in this executive patronage, but the party, not the president, shares the power it gives. The offices are all farmed out among the delegates of the party in congress from each state. The congressional delegation *recommend* to the executive the persons they want appointed, and, though the president is theoretically free to reject the persons so recommended, yet

practically he is obliged to appoint them. President Grant, when he came into office, attempted to assert his independence of the politicians, and to follow his own judgment and inclinations in his appointments,and if he had been a man of a wider acquaintance, of broader views, keener sagacity, and sounder judgment, he possibly might have done something to emancipate the executive from its thraldom to the politicians in as well as out of congress. But his knowledge of men suitable to fill the offices at his disposal was so limited, his individual tastes were so low and so little refined, that after appointing his and his wife's personal relatives and friends, and such persons as had made him presents, he broke down, and was obliged to surrender to the politicians at discretion. The members of congress confine themselves each to the recommendation of citizens of his own state, and to residents of his own district, except that senators have the bestowal of the patronage of districts represented by members of the opposing party. These members in their recommendations rarely raise the question of fitness or consult the public good, but look solely to their own interest, and recommend only those who can best serve them in their respective districts, or such as they are under obligations to for having aided their election.

The consequence of this practical distribution of executive patronage among the members of congress attached to the party in power is to embarrass and weaken the real power of the executive, to intensify party feeling, and to envenom the struggle between the *outs* and the *ins*—to cause the public interest to be lost sight of, and to make politics an affair of mere private interest. Public spirit, public good, public duty, are words which one sometimes hears, but which must not be supposed to mean any thing. Elections become venal, and venal are the legislative bodies elected. Congress itself has become venal, and most of our state legislatures, if not greatly belied, are purchasable at a moderate price. What better is to be expected when citizens have lost all public spirit, if they ever had any, and seek to fill the offices of government only for their own private advantage?

The evil is great, and threatens the stability of the republic; but we see no political remedy for it, and regard it as inevitable in a popular government. The law passed under President Johnson's administration making the assent of the senate necessary to removal in all cases where it is necessary to appointment to office, and which has been but

partially repealed, serves only to embarrass the executive without in the least checking the scramble for office. The civil-service bill, so strenuously insisted on by our political reformers, could not, if enacted, be carried out. Competitive examination is usually a farce, and any measure that would give the office-holder a permanent tenure of his office, would be resisted by the office-seekers, a far more numerous body. We have adopted two maxims, "To the victor belong the spoils" and "Rotation in office"—the last the most mischievous maxim that can be easily imagined. As long as these two maxims are cherished by the people, there is no practicable remedy for the evil we have pointed out. Reforms in politics seldom fail to aggravate the evils they are intended to redress, as we see in our attempted municipal reforms. The reformers placed in office are usually worse than those they supplant.

The noble author sees very clearly that some of the best features of our system of government are not imitable elsewhere. Our federal system, for instance, which divides, not the sovereignty, as so many imagine, but the exercise of the powers of government between a general government and particular or local state governments, all in their respective spheres coördinate and mutually independent, he sees, what so many do not see, is impracticable in any European state. The necessary conditions of such a federal system are wanting in every country of the Old World; and where they are wanting in the providential constitution of a country no human power can create them. The real living constitution of a state does not originate in convention, but is the working of Providence. The convention may impair it, may wholly destroy it, and with it the national life, but it cannot create it where it does not exist, or revive it when once lost. The North-German confederation, or the present German empire so-called, is not a federal state in the American sense, not indeed because its chief magistrate is called emperor and is hereditary instead of being elective, but because the several states were, prior to the federation, independent states, and the federation is really their forced absorption in Prussia, or if not, it is only an alliance or league of independent states, without organic unity. The attempt of the revolutionists of Spain to create a federal republic or a federal state must prove a failure, because the several provinces were originally independent states without any political bond of unity, and they dissolve into their orig-

inal elements the moment the central authority which has through the action of centuries subjected them, and in which alone are they made one, is removed. Unity is not in the original constitution of what we call Spain.

But with us there is at once national unity and state diversity. The unity is not a union formed by the agglomeration of parts, but is as original as the diversity itself. The diversity, again, is not derived from or created by the unity, but is as old, as original as the unity. The nation, so to speak, was born one in many and many in one. The states united were never independent states, as the states united under the German kaiser, or as were Castile and Aragon, in Spain. They were never complete states with all the rights and powers of independent sovereign nations. They were dependent, prior to the revolution, on the English crown, and since the revolution they have sovereign powers or political rights only as states in the Union. The American state is one and sovereign, but the exercise of its sovereign powers is divided between the general government and local state governments, neither of which is complete in itself or without the other; but both depend on the convention, or union of all the states which represents at once the national unity and state diversity, and in which, not in the inorganic people, not in the states' organisms severally, nor the general government, is vested the national sovereignty.

This is not the view commonly taken by American constitutional lawyers, we admit, and is not clearly understood by the bulk of the people. One class of our statesmen hold that the colonies, on gaining their independence of Great Britain, became *ipso facto* independent states, and have remained so. With them the Union is a league or confederation. Another class agree with this class that the colonies on gaining their independence of the mother country became severally independent sovereign states, and remained so till the ratification of the federal constitution of 1787, when state sovereignty was, to a certain extent, merged into the Union, and the states became one political people, by the surrender to the Union of a portion of their sovereignty. The first class are consistent enough with themselves, though perhaps not with all the facts in the case, but they lose national unity, and make of the American people, politically, as many nations as individual states. The other class forget that sovereignty is indivisible and inalienable, and that it is not and cannot be founded in compact or agreement, created

or instituted where it has no previous existence. If the states were ever severally sovereign, they are so still, unless subjected by another state, and the American people have, as a whole, no national unity, are not politically one people. Yet, though distinct colonies, they were one people before independence, and owed allegiance to one and the same sovereign.

The danger we run is not from cæsarism, or the usurpation of power by the executive, but from the usurpation of power over the states by the general government. The party in power can hardly persuade themselves that the states that seceded, even now they are reconstructed, stand on a footing of equality in the Union with the states that did not secede. They hold them to be in some sense conquered territory, over which the general government is sovereign by the right of conquest. They do not recognize them as equal participants in the national sovereignty, and, under pretext of protecting the freedmen, they assume for congress the rights and powers of sovereignty, not only over them, but, in principle, over all the states. If the party should remain in power much longer, the real relation between the several state governments and the general government, already lost sight of in the case of the reconstructed states, would be lost sight of in the case of all the states, and the general government, which is a government of limited and express powers, would become *de facto* the supreme and unlimited national government. The tendency in this direction is fearfully strong, and there seems to be no party in the country sufficiently united, with the requisite strength and courage, to oppose to it any effectual resistance. The only chance of deliverance would seem to be in the discredit the party, by its frauds, jobberies, and corruption, is bringing upon itself. It has become quite reckless, and its recklessness is not unlikely to ruin it, and enable the country, if there shall be any virtue remaining in the people, to replace the government on its constitutional track.

We have attempted no analysis of the work before us. We have only taken a few points from it, as texts for some remarks of our own. Our readers, however, may be assured that the book is one of rare merit, written in clear, simple, and pleasing style, rich with information and just political thought, and throwing more light on the constitution of the American executive than any other work we are aware of, not excepting De Tocqueville's admirable work, "Démocratie en Amérique." It can be read with as much profit by

Americans as by foreigners. We most cordially recommend it to the public as the work of an author who has thoroughly studied and mastered the subject on which he writes.

We may add that the marquis has been exceedingly fortunate in securing for his work a competent translator. The work is really translated into English, not simply "done out of French into no language." It does not read as a translation, but as an original English work, and we presume, suffers little in being transferred from the author's native language to ours. Madame Dahlgren must have found the work much to her taste, and have translated it *con amore*. The translation proves her to be a mistress of both languages. It is, we can vouch for it, without having seen the original, faithful, exact even, free, fresh, chaste, and graceful, what we had a right to expect from the accomplished translator of that most eloquent and profound Essay on Catholicity, Liberalism, and Socialism, by the late lamented Donoso Cortés, the Marquis de Valdegamas. It requires genius, as well as learning and taste to be a good translator of a work of genius from one language to another, and that has, in no small measure, Mrs. Madeleine Vinton Dahlgren.

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# THE NATIVE AMERICANS.

[From Brownson's Quarterly Review for July. 1854.]

THE subject of native Americanism is one of no little interest at the present moment, and one, however delicate it may be, which, as the conductor of a Catholic review, we cannot very well avoid discussing, even if we would. It is forced upon us by the movements of our own countrymen, no less than by the movements of our foreign-born population, no small part of whom are Catholics.

Regarded as a phase of nationality, native Americanism is respectable, and we are very free to confess that we are never pleased to find our own journals sneering at "natyvism," and the "natyves," although we have as little sympathy as they with what they really intend by these terms. It is in bad taste, and, though it may please a certain class of their readers, it can hardly fail to be understood in a wider sense than in-

tended, and to give offence even to those of their Catholic friends whose grandfathers and grandmothers were American-born. Nationality is a thing which foreigners are always required to treat with consideration, and it is never prudent, if peace and good-will are desired, to treat it with levity or contempt. No people in the world have a more intense nationality than our Irish Catholics, or are more sensitive to remarks derogatory to their national characteristics. No people in the world have, therefore, less right to sneer at the nationality of others. For ourselves, we respect the nationality of the Irish Catholics, who have left with bleeding hearts the land of their birth, and sought a new home in our native country, and we should be sorry to see them throwing it off and transforming themselves into native Americans the moment they land on our shores; but we do wish them to remember that we Americans, whose ancestors recovered our noble country from the wilderness and the ferocious savage, founded its institutions by their wisdom and virtues, purchased its independence with their treasures and their blood, and sacrificed cheerfully themselves that they might transmit it as the home of rational freedom to their posterity, have ourselves, strange as it may seem to them, a strong feeling of nationality, a tender affection for our native land, and an invincible attachment to American usages, manners, and customs. After God, our first and truest love has always been, and we trust always will be, for our country. We love and reverence her as a mother, and prefer her honor to our own, and though as dutiful sons we may warn her of the danger she incurs, we will never in silence suffer her to be vilified or traduced. While we respect the national sensibility of foreigners, naturalized or resident among us, we demand of them equal respect for ours.

There is, say what you will, such a thing as American nationality. It is true that the population of the United States is composed of English, Irish, German, French, Scotch, Dutch, Welsh, Norwegians, Africans, and Asiatics, to say nothing of the aborigines; but the population of English origin and descent are the predominating class, very nearly as much so as in England itself. They were for the United States as a nation first in the field, the original germ of the great American people, and they constitute at least three-fourths of the white population of the country. They are the original source of American nationality, the founders

of American institutions, and it is through their heart that flows the grand and fertilizing current of American life. It is idle to deny it, or to be angry with it. Individuals of other races have done their duty, and deserved well of the country, but only by assimilating themselves to the Anglo-Americans and becoming animated by their spirit. Other races, as long as they remain distinct and separate, remain foreigners in regard to American nationality, and they do and can participate in that nationality only as they flow in and lose themselves in the main current of Anglo-American life. Whether it be for good or for evil, the American nationality is and will be determined by the Anglo-American portion of our population. The speculations of some German writers, that it must ultimately become German, and of some Irish editors that it must ultimately become Celtic, are worthy of no attention. No nationality here can stand a moment before the Anglo-American. It is the all-absorbing power, and cannot be absorbed or essentially modified by any other. This, quarrel with it as you will, is a "fixed fact." There is, therefore, no use for any other nationality to strive to preserve itself on our soil, and there is not the least danger that our proper American nationality will be lost. The American nationality will never be Irish, German, French, Spanish, or Chinese; it is and will be a peculiar modification of the Anglo-Saxon, or, if you prefer, Anglo-Norman, maintaining its own essential character, however enriched by contributions from other sources.

This is to be considered as settled, and assumed as their starting-point by all immigrants from foreign countries. They should understand in the outset, if they would avoid unpleasant collision, that they must ultimately lose their own nationality and become assimilated in general character to the Anglo-American race. The predominating nationality of a country will brook no serious opposition in its own home. It knocks aside whatever obstacles it finds in its way, and, save so far as restrained by religion and morality, rules as a despot. It plants itself on its native right, on the fact that it is in possession, and will recognize in no foreign nationality any right to dispossess it or to withstand it. It is not attachment to American soil, or sympathy with the American nationality, spirit, genius, or institutions, that brings the great mass of foreigners to our shores. No doubt we derive great advantages from them, but the motive that brings them is not advantage to us or service to

our country. They come here solely from motives of personal advantage to themselves; to gain a living, to acquire a wealth, or to enjoy a freedom denied them in their own country, or believed to be more easily obtained or better secured here than elsewhere. The country, therefore, does not and cannot feel that it is bound either in justice or in charity to yield up its nationality to them, or to suffer the stream of its national life to be diverted from its original course to accommodate their manners, tastes, or prejudices. It feels that it has the right to say, in all not repugnant to the moral law: "It is for you to conform to us, not for us to conform to you. We did not force you to come here; we do not force you to remain. If you do not like us as we are, you may return whence you came." If I from motives of hospitality open my doors to the stranger, and admit him into the bosom of my family, I have the right to expect him to conform to my domestic arrangements, and not undertake to censure or interfere with them. So it is with a nation, when from hospitality it opens its doors to foreigners exiled from their own country, or voluntarily leaving it to make their fortune. It will never be pleased to find them forgetting that they are its guests, assuming the airs of natural-born citizens, and proceeding at once to take the management of its affairs upon themselves, or even volunteering their advice.

Here, we apprehend, is the secret of native American hostility to foreigners naturalized amongst us. We naturally regard them as our guests enjoying our hospitality, and though not to our loss, yet chiefly for their own advantage, and we do not and cannot easily bring ourselves to feel that they have the same right to interfere in our national or political affairs that is possessed by natural-born citizens. In our eyes, as in their own, they always retain something of the foreigner. If their interference works us no prejudice, and only tends to carry out our own views, we of course accept it, and find no fault with it; but if we find it against us, defeating our plans and thwarting our purposes, we are pretty sure to recollect that they are foreign-born, and to feel that they abuse our hospitality, although they may have violated the letter of no positive law of the country.

We are divided, and are likely to be divided, into two great political parties, very nearly equal in strength. If, in the contests between these parties, the defeated party finds or imagines that it owes its defeat to the votes of natural-

ized citizens, who had been induced by the demagogues of the other side to go in a body against it, it very naturally feels its sentiment of nationality offended, and its resentment kindled against these naturalized citizens. If these citizens form in some respects a party, as it were a people, by themselves, and are found organizing and drilling military companies of their own, with strong foreign sympathies and antipathies, and represented by a press discussing freely and with little moderation all questions of internal and external policy, and circulating almost exclusively among themselves, loudly boasting their ability to throw out or throw in either of the two great parties at will, and to elect or defeat any candidate for the presidency, as he is or is not acceptable to them, an outbreak of native Americanism all over the country is the most natural thing in the world. If the organs of the foreign party go further, and declaim against native Americanism, vituperate or ridicule, under the name of "natyvism," the strong feeling of nationality which is possessed by every American, denounce it as anti-republican or anti-democratic, claim all that is noble or commendable in our past history, whether in literature or science, art or industry, war or politics, as the work of foreigners, and pour out the accumulated wrath of ages upon the Anglo-Saxon race from which the majority of us have sprung, representing it as incapable of any thing great or good, and as fruitful only in works of darkness, nothing is more likely to result than a storm of native American indignation, that no power in the country will be able to withstand. It is in human nature, and must be expected, however much we may lament it.

We speak not here in the interest of natives or of Anglo-Americans, but in that of the foreign population, whether naturalized or simply resident in the country. The Anglo-Americans are abundantly able to take care of themselves, and if provoked to extreme measures, the population of foreign birth would find themselves wholly at their mercy. We speak to warn our foreign-born population against provoking a contest with native Americanism, which most assuredly will not result to their advantage. They must beware of confounding the proper native American feeling with the anti-Catholic feeling. We ourselves, when first a Catholic, committed that mistake, but we are now convinced, that, however the two feelings may have been combined by the craft of no-popery men, and our own impru-

dence, they are at bottom essentially distinct, and it is most assuredly for our interest to do all in our power to keep them separate. The native American feeling, which is the sentiment of nationality, is to some extent allied with the anti-Catholic feeling, we grant; but only because those who have most offended it in late times, are, or are presumed to be, attached to the Catholic religion. But this is a mere accident. The native American party commenced against the foreigner long before there were Catholics enough here to alarm the Protestantism of the country, and the first paper started as the special organ of that party was conducted by Catholics, descended on one side at least from an old American Catholic family. We can assure our Catholic friends, that the sentiment which underlies native Americanism is as strong in the bosom of American Catholics as it is in the bosom of American Protestants. If the party assumes an anti-Catholic character, the reason is to be found in the craft of the no-popery leaders, and in the opposition manifested to it by Catholic as well as non-Catholic foreigners.

Our foreign-born citizens must permit us to say that they have been imprudent, and have committed some serious mistakes. It is wrong to claim as a natural right what is really only a boon. No nation is bound to admit foreigners to all the rights and immunities of natural-born citizens. Men are naturally attached to their native soil, and on that soil have certain natural and inalienable rights, which the government is bound to recognize and protect; but they do not and cannot carry their rights with them to another country. If they choose to emigrate, and fix their residence elsewhere, they must accept it subject to such conditions, not repugnant to the *jus gentium*, as the nation which concedes it sees proper to annex. The nation has the natural right to preserve itself, and that which constitutes it what it is,—its national spirit, genius, usages, manners, and customs,—and therefore has a natural right to guard against any influx of foreigners, which, in its judgment, is incompatible with the maintenance of its identity. For foreigners to claim as a natural right to be placed on an equal footing with natural-born citizens, is entirely to misinterpret American republicanism, and to assert that abominable doctrine of the solidarity of peoples, maintained by the infamous revolutionists of Europe, and which is incompatible, not only with all regular government, but with all national independence.

Naturalization being a boon, not a natural and indefeasible right, they who receive it should always be careful not to push the political rights it concedes to their extreme limits. The country does, and, with the best intentions in the world, always will, draw a line of distinction between them and her own natural-born citizens. It is not in nature that it should be otherwise. She will put up without gross offence in the latter, with what she would not tolerate a moment in the former. We, although a Catholic, may say hard things against the Anglo-Saxon race, and still be tolerated, though not so readily as if we were Protestant, because it is well known that we belong to that race ourselves, and do not hesitate to avow it in the face of our Celtic friends; but let a naturalized citizen of another race do it, and even our own American blood would boil with indignation. A man may scold his own wife, for she is his, and it is all in the family; but let a stranger attempt the same thing, and the husband, if half a man, will knock him down, or at least turn him out of doors, with a significant kick behind, not likely soon to be forgotten. An Irishman may say what he pleases against his countrymen, provided he does not separate himself from them, and still retain his standing with them; but let an Englishman or an Anglo-American say a tithe as much, and he will have the whole Irish nationality about his ears. All this is human nature, and is to be expected. We love the Irishman all the better for it, and our heart is drawn out to him when we find him, in the ardor of his nationality and the tenderness of his patriotic affection, addressing his country as his mistress, laying his heart at her feet, or pressing her to his bosom. But since it is natural, it should teach our naturalized citizens to be on their guard against wounding American national sensibility, which is perhaps as delicate and as intense as their own, and that there are certain liberties which in common prudence a stranger-born may not take. They may vote at elections freely, according to their own honest convictions, but they may not make themselves violent partisans, and enter with ardor into the heated action and envenomed contests of political parties. They may be voters, but not canvassers. A certain moderation, a prudent reserve, in the exercise of their franchises is expected of them, and they cannot go the lengths they might if natural-born citizens, without giving serious offence.

We tell our foreign journalists and politicians, and we do

so the more readily because they know that we are the friend, not the enemy, of the foreign population of our country, that they push the pretensions of their constituents to an extreme which American nationality will not tolerate. We warned them years ago against engaging, even for their own defence, in the controversy excited by the native American party. They cannot do it without making matters much worse for their countrymen. Their words, even when well meant and true enough at bottom, produce an effect which they do not intend, because they do not fully know us, and because their own hearts do not beat with the pulses of our American life. They speak not our language with the national accent. Never Irish patriot made a greater blunder than did Thomas Mooney, when he recommended his countrymen to make presents of his *History of Ireland* to their American friends. Nothing would more prejudice the Irish character in the American mind than the general study of that book. Most of the books, pamphlets, discourses, and journals designed to vindicate the Irish character to the American public produce a contrary effect to what was intended or expected. What the Irish should aim at is not to excite pity for the misfortunes of their country, or tears for the wrongs they have for so many ages endured. The restoration of a nation is hopeless when it can only boast a greatness that has passed away, or chant, though never so sweet and musical, a wail of sorrow. The world lives in the present; it cares little for a glory which has set, and though it may be momentarily affected by a pathetic lament, it looks only to what a people is and can do here and now. The rank of a nation is determined in the world's estimation, not by what it has been, or would have been were it not for the ruthless invader or the heavy hand of the oppressor, but by the energy and manliness of character it still retains. Who not of Irish descent cares for Tara's ruins, or Brian Boru? Let the Irishman of to-day prove that he could be a Brian Boru, win the battle of Clontarf, or restore those ruins, and strike anew the harp in Tara's halls, and the world will honor him. Till then, to boast or whimper is alike useless. We speak not in justification of the world; we merely tell what it is, and how it judges. It esteems men and nations only for what they are to it, and can do in its work.

Our readers will not misinterpret us. We mean nothing against the Irish character at home or abroad. For the

Irish personally we have a strong affection, and to Irish Catholics, illustrious prelates, venerable clergy, and intelligent laity, we are under heavy obligations, both as a reviewer and as a lecturer, and we are bound to them by the strong tie of religion, the strongest tie we know, as well as by the ties, not weak with us, of gratitude, respect, and friendship. We know well the Irish Catholics of the United States, and that the great body of them are most grossly misunderstood and most vilely slandered by our no-popery countrymen. The great majority of them are quiet, modest, peaceful, and loyal citizens, adorning religion by their faith and piety, and enriching the country by their successful trade or their productive industry. But it cannot be denied that hanging loosely on to their skirts is a miserable rabble, unlike any thing which the country has ever known of native growth, —a noisy, drinking, and brawling rabble, who have, after all, a great deal of influence with their countrymen, who are usually taken to represent the whole Irish Catholic body, and who actually do compromise it to an extent much greater than good Catholics, attentive to their own business, commonly suspect, or can easily be made to believe.

Nevertheless, Irish Catholics, though constituting a large portion, do not by any means constitute the whole of the foreign-born population of the country, and we are now considering the whole, not a particular class of that population. The immigration into the country the last year was greater from Germany than from Ireland, and probably as many non-Catholics are now coming as Catholics. The principal hostility of native Americanism has been manifested against Irish Catholics, partly because the popular feeling of the country is anti-Catholic, partly because they have less than others in common with the American national character, and partly because they come into more immediate contact with our countrymen, and are represented by journals in the English language. But the question is not, and will not be, confined to them. It will soon be seen that the most dangerous class of immigrants are the non-Catholics from the continental states of Europe,—Germans, Hungarians, and Italians, imbued with the infidel and anarchical principles of the mad European revolutionists, and carrying on amongst us their machinations against legitimate authority and social order in a language which very few of our countrymen are able to understand. These are likely to cause us serious danger, and it may well be a question with loyal Catholics

not yet naturalized, whether it were not wiser and more for their interests to be themselves excluded from citizenship, than that these should be placed on a footing of equality with natural-born citizens.

The danger to our country, and of course to us as Catholics, whose only reliance is on the maintenance of the supremacy of law, comes, as we never cease to repeat, from radicalism, from pushing the democratic tendency of the country to an extreme incompatible with the maintenance of necessary and wholesome authority; and radicalism, though now countenanced by a large number of natural-born citizens, is not of American origin. The real Anglo-American people are stanch, uncompromising republicans, and prefer death to slavery; but they are naturally sober in their views, moderate in their demands, and loyal in their hearts. They are naturally an orderly and law-abiding people. They are not loyal to men, but they are loyal to law, and no people are better disposed to understand and respect the laws. In declaring and winning their national independence, they attempted no Utopia; they sought in their institutions to guard alike against the despotism of authority and the license of the subject. In all they did there was a wise moderation, a sobriety, and a good sense, which proved that they had in them the elements of a great, free, and noble people. In this respect, there is a marked difference between them and every considerable class of immigrants, except those of the old English stock. The Irish, owing to the fact of their having been for ages in a state of hostility to their government, to their never having regarded the government of England over their country as legitimate, or her laws as binding upon them in conscience, have never acquired the American respect for law as a civil enactment; and though loyal by nature, they require the law to be embodied in a person, and represented by a chief. We see this in their tendency to group around an individual, and to follow blindly the leader who chances for the moment to possess their confidence. They are republican in their convictions, no people more so; but they retain in their interior life many of the habits which belonged to them when Ireland was ruled by chieftains, and each sept or clan followed to the death the banner of its chief. The Germans have been accustomed to regard their princes as the living law, and when they escape from this authority, if not Catholics, they lose their respect for the laws, become wild demo-

crats, and favor either the despotism of the state or the unrestricted freedom of the individual, and are socialists or anarchists. But whatever the doctrines they avow, or the real convictions of their minds, it must be conceded that the great body of foreigners naturalized or simply resident among us are not republican in their spirit, their interior habits, and their interior life and discipline. They have not that inward and abiding sense of the state, of law in the abstract, and of liberty with authority, which is so essential to practical as distinguished from theoretical republicanism. Hence their invariable tendency to confound republicanism with democracy, and democracy with radicalism. They lack practical republican training. You feel it the moment you begin to converse with them, and it is the want of this interior republican discipline in uneducated Catholic immigrants that strengthens the suspicion that Catholicity is incompatible with republicanism,—a suspicion both unjust and ridiculous, for the defect under a republican point of view is the result of their previous political, not of their religious life.

Now whoever knows the history of our country knows that the radicalism from which it has so much to apprehend has been favored by the mass of foreigners poured in upon us. It was at a very early day powerfully seconded, we may almost say introduced, by Protestant Irishmen from the North of Ireland. The editors who so disgraced the Republicans in their contests, at the close of the last century and the beginning of the present, with the old Federal party, honored by being the party of Washington and Adams, were for the most part Irishmen, who had caught their inspiration from French Jacobinism, and not being able to fasten it upon their own country, came hither to blast with its sirocco breath the rich promises of our young republic. In later years, congregated in our larger cities, and spread along the lines of our public works, the foreign colonists have been the ready resource of violent partisans and unprincipled demagogues, whether native or foreign born, and have become so important an element in our political warfare, that we had the mortification in our last presidential election to see both parties make the question turn on which should secure the foreign vote. Here is the real danger that rouses up the native American spirit.

We do not, of course, charge this dangerous radical tendency exclusively nor chiefly to Irish Catholics; but they

must permit us to say that they have unintentionally contributed in former times, and to some extent are still contributing their share to the danger. The Catholic religion is conservative, alike opposed to despotism and to license, and well-instructed Catholics, who are governed by their Catholic convictions, and act from deliberation, always maintain a noble independence, and give no countenance, direct or indirect, to radicalism; but there has been poured in upon us an impulsive and uninstructed mass, without the first elements of a political education, imbued with exaggerated notions of liberty, and incapable of applying the great principles of their religion to their politics, who are easily used by demagogues, of their countrymen as well as ours, to secure the election of candidates unfit to be elevated, and to support measures fraught with imminent danger to the country. The great mass of the twenty thousand subscribers to that ribald sheet called *The Irish American*, if so many it has, are nominally Irish Catholics, and no doubt nine-tenths of the forty-five thousand who are said to have subscribed for *The Citizen*, to be conducted by that Protestant radical, John Mitchell, were also Irish Catholics, who in large numbers are ready to follow any radical, if an Irish radical, or one who can skilfully appeal to their cherished feelings as Irishmen; and Irish Catholics, we presume, are the chief supporters of the so-called *Catholic Standard*, published at San Francisco, and which is so utterly radical that we refuse to take it from the post-office. As long as these facts stare us in the face, it is idle for our Irish Catholic friends to pretend that they are contributing nothing to strengthen the dangerous radical tendency of the country. They do it by the facilities they afford to the machinations and intrigues of demagogues, not, we readily admit, by their radical convictions or intentions.

The great body of the German Catholics, as far as we are informed, are a quiet, peaceable, and industrious portion of our population, and are by no means noisy or brawling politicians. Whether they generally vote Whig or Democrat, we know not, and care not; but we are assured that they are in general conservative in their views and feelings. But the non-Catholic Germans are among the worst radicals in the country. Some of their journals are the vilest that can be imagined, and some of their associations avow doctrines the most horrible. It is not from Catholic but from non-Catholic foreigners, that comes the

principal danger to our institutions. Who got up the Bedini riots in our principal cities, which last winter disgraced our country at home and abroad, and which the secular press dared not oppose, lest it should lose for its candidates the foreign vote? They were foreigners, principally German infidels and Italian patriots. Now, without the elements furnished us by foreign immigration, we should never have had a population of a character which could have given occasion to the demagogic and radical spirit to rise to its present alarming height. When this is considered, and also that our country has become, as it were, a *refugium peccatorum* of all nations, to which all the miscreants of Europe may flock and carry on their war against the peace of nations and social order, mingle foreign politics with our own, and make the merits of candidates depend on their views of O'Connell, Kossuth, Smith O'Brien, Kinkel, Mazzini, Ledru-Rollin, Louis Napoleon or Francis Joseph, Nicholas of Russia or the sultan of Turkey, it can surprise no one that there should be in our midst a powerful native American party, filled with hostility to foreigners. It is no more than what we saw in England herself with regard to French Protestant refugees in the time of Queen Anne. When we consider that a foreign population at the rate of a quarter of a million or more annually is poured in upon us, with foreign manners, foreign tastes, usages, and habits, and by far the larger part of them imbued with erroneous notions of our institutions, and prepared to push democracy to extreme radicalism, few of us can deny that there is at least some cause for apprehension, especially since our natural-born citizens are already to a fearful extent animated by an ultra-democratic spirit. There is a real danger that it will not do either to deny or to disguise; but which must be bravely met in some way, if we are to remain a model republic, a well-ordered republic, and not degenerate into the government of the mob.

But how to meet the difficulty is no easy problem to solve. While we defend the sentiment of American nationality, and are so far on the side of native Americanism, we must utterly repudiate the native American party, so called, for its real leaders are foreigners, mostly apostate or renegade Catholics of the Padre Gavazzi stamp. These vile European vagabonds have seized upon the honest native American and republican sentiment of the country, and have sought to pervert it to a mere anti-popery sentiment. Driven to des-

peration in their war against the church, which they hate because they have vilely slandered and abused her, and fallen under her censure, they seek arms for their malignant passions in the deep love which every free-born American has for his country, and unhappily they have been but too successful. These men, the veritable chiefs of the present native American party, care not a straw for American interests, or genuine American sentiment, any further than they can use them for their own base and malignant purposes. It is really a foreign party, and therefore, as Americans as well as Catholics, we disavow it.

The native American party so called takes too low and too narrow a view of the question. It is itself animated by a radical spirit, and is hand and glove with foreign radicals. It does not plant itself on the high ground of real Americanism, and defend itself on the ground of the right of a nation to preserve its own national character, but it takes its stand on the ground that the public has the right to determine what shall or shall not be the religion of individuals, which is false in principle, inconsistent with religious liberty, and repugnant to the constitution and the true American spirit, which place all religions on the footing of perfect equality. It has no principle on which it can stand, and it finds itself under the necessity, in the first place, of asserting the right of the state to subject religion to itself, the spiritual to the temporal, and, in the next place, of opposing itself to religious liberty, even while professedly contending for it. To deny to Catholics the free enjoyment of their religion in the name of religious liberty, is a little too glaring a contradiction for these times, and will not be very extensively swallowed by the American people, as much as the majority of them may hate Catholicity. They are too logical and straightforward for that.

Then, again, the party not only discriminates between foreigners, but it discriminates badly, with its eyes shut, or blinded, and under the influence of fierce and ignoble passions. It does not direct its opposition to foreigners in general, but to Catholic foreigners in particular, that is, against the only class of foreigners from whom very little if any danger is to be apprehended. The really Catholic portion of our foreign population, whether Irish or German, are at present the most conservative body in the country. They have principle, they have conscience, and when shown the right, may be relied on to pursue it. In their religion,

which is a living and informing principle within them, the country has the best of all guaranties that, in proportion as they learn the real nature of our institutions and the real interests of the American people, they will demean themselves as good and loyal citizens. It supplies in them, and even more than supplies, the want of republican discipline, and, if they sometimes say or do things which are not in accordance with that wise and moderate republicanism which is the boast of the country, it must be set down, not to their religion, but to their original national character, and the influence of the circumstances under which their characters were originally formed. It is precisely non-Catholic, and merely nominal Catholic foreigners, the pets of our demagogues, who threaten the peace and order of the country; because, not recognizing, or disregarding the restraints of religion, and freed from the authority of the chiefs or princes they were brought up to obey, they imagine that they are free from all authority, and forget that the people here, though in a collective capacity sovereign, are yet individually as much subject to the laws as the people in any state of Europe. They are thus prone, on coming here, to lapse into the character of anarchists. The only fault to be found with Catholic foreigners is, that they suffer themselves to be influenced and guided, not by their religion, but by their non-Catholic and revolutionary countrymen. Hence, all the danger really comes primarily from the non-Catholic class, and these, if we are to discriminate at all, are the class against whom we should discriminate. They are a really dangerous class, because they have no religion to supply their want of respect for simple political authority as such, or to restrain them by a sense of duty to God and their neighbor, in submission to the constituted authorities and laws of the country.

The evil, whatever it be, would be increased, not diminished, by refusing naturalization to Catholic immigrants, and continuing it to those who are not Catholics; for the Catholic naturalized citizens even now, to a considerable extent, neutralize the influence of non-Catholic naturalized citizens, and will be found every year doing it to a still greater extent. We recollect when almost every Catholic journal in the country, if it alluded to politics at all, was radical, or tending to ultra-democracy; now there is not one, with the exception of *The Catholic Standard* in California, that, though republican, is not strongly conservative in the

good sense of the term, and the majority of them are conducted by natural-born American citizens. No journals in the country can compare with them in fearless American independence, and energetic assertion of genuine American principles;—we mean the principles entertained by the fathers of our republic, and incorporated into our institutions. During the popular commotions in Europe, they for the most part took the side of liberty and order, against social disorder, mad revolutionists, and despotism in the state, whether the despotism of the monarch or of the mob. You never find the Catholic press, properly so called, advocating any of the popular humbugs of the day; you never see it availing itself of any momentary popular excitement to advance its cause. It sustains the Union by opposing nullification, state rights by opposing the abolition fanaticism, and individual liberty by refusing to advocate the sumptuary legislation clamored for by our swarms of philanthropists. We do not pretend that our Catholic press is all that it should be, we are far from saying that it is faultless, but we are not ashamed of it, and the country ought to be proud of it, for it is governed by principle and is the only really free and independent press in the republic. This press, if you will study it honestly, candidly, tells you what course will be pursued hereafter by the great body of our Catholic population, whether native or foreign born. Now disfranchise Catholics, and naturalize non-Catholics, and you will only aggravate a million-fold the evil you profess to complain of.

The multiplication of dioceses, churches, and priests, which so alarms a portion of our countrymen, is only a new pledge of security to the country. It increases the piety and intelligence of the Catholic community, brings them more immediately under the influence of religion, and protects them from the demoralizing and dangerous influence of demagogues. If the conservative portion of the old American population were as wise as they think themselves, they would contribute liberally to the erection of Catholic churches wherever there is a Catholic population. Give us in this city churches and priests enough for the Catholic population, and all those things which now offend American taste and prejudice would soon disappear, as far as with the ordinary frailty of human nature can be expected. The effort to americanize by protestantizing foreign-born Catholics, even in a political and social point of view, is unwise. Catholics who abandon their religion usually become infi-

dels, and if they profess Protestantism, it is little better. They never become good citizens, any more than good Christians. By this native American hostility to them as Catholics, and these constant efforts to proselyte, you compel them to retain as long as possible their old national character and customs, to congregate together as a distinct and separate people, to found schools of their own, and, as far as possible, to live apart. Once frankly accept them as Catholics, and let them feel that they can americanize without apostatizing, and you will find that just in proportion as their religious wants are supplied will diminish all danger to be apprehended from them. True, in this way Catholicity may become strong in the country, and native-born Americans like ourselves may, through the mercy of God, become Catholics; but that is a matter with which politicians or statesmen, as such, have nothing to do, for no one is or can be forced to become a Catholic, and every one has the natural right to become a Catholic, if he choose, without leave asked or obtained from the country.

Still, as Catholics, we are not disposed to offer any opposition to native Americanism, if it will only be impartial, and not discriminate against us. If it chooses to repeal the naturalization laws, and enact that hereafter no person not born in the country, or of American parents temporarily resident abroad, shall have the right to vote in our elections, or be eligible to any office, but conceding the full rights of citizens to all born in the country, without regard to the nationality of their parents, we shall ourselves offer no opposition. The true policy for every republican country, we believe, is to confine suffrage and eligibility to natural-born citizens, although it should ordinarily render naturalization, so far as civil as distinguished from political citizenship is concerned, as easy as possible. If the framers of our government had contemplated such an influx of foreigners as we have witnessed for the last few years, we think they would have confined the political rights of citizenship, suffrage, and eligibility, to natural-born citizens. There would have been no hardship to foreigners in this; there would be no hardship in doing so now to those not already naturalized, because no foreigner can claim these rights as a natural right. The immigrant could not then, indeed, hope to be a voter or an office-holder himself, but he could acquire and transmit real estate, enjoy the protection of the laws and the peace and prosperity of the country, and be consoled by knowing

that his children would be citizens, and placed politically on an equal footing with others. To Catholics this would be no disadvantage, and not a few of them think so, since they manifest in general but a slight disposition to be naturalized, as we have found by experience. It would, if it had been adopted in the beginning, have saved them from the pernicious influence of both foreign and domestic demagogues, and spared them both the cajolery and the hostility of political partisans. Catholics not naturalized, providing the law is so altered as to give them, after suitable declarations, the civil rights of citizens, may well consent to forego those political rights now extended to all naturalized citizens, if by so doing they can save the country from the corrupt mass of non-Catholic foreigners who are doing their best to ruin it.

Yet we do not apprehend, as we do not advocate, any material change in our naturalization laws, and the real evil we have designated must be endured, or left for time and the chapter of accidents, or more properly to Providence, to cure. In the mean time, we beg our naturalized citizens and foreign residents to bear in mind that the native American sentiment is but the sentiment of American nationality, and that it is their duty as well as their interest to respect it, and not to ridicule and vituperate it. If they find it necessary to oppose the miserable party which just now affects to be native American, they should take care to oppose it for its hostility to our religion, not for its nativism. They must study to avoid, as far as possible, wounding the national sensibility, or adopting modes of action or expression likely to offend it. Let them not make their new home an arena for fighting the battles of the country they have left; let them organize no military companies composed exclusively of foreign-born citizens; let them publish no journals, and organize no associations for political purposes to be effected in foreign countries. These things give offence, and not unreasonably, to the national feeling; they are not right, and may at a critical moment prove most embarrassing to the government.

On the other hand, we would say to our countrymen that they would do well to begin by checking the demagogical spirit in themselves, and to be less untrue to our own American institutions. It is their fault, if they have allowed foreign radicals to corrupt them; and if danger is threatened, it is because they have lost the integrity and sobriety of our fathers. Let them remember that it is unreasonable to ex-

pect foreigners to be transformed at once into Americans; that nationality is a stubborn thing, and is not worn out in a day, or in a single generation; that the nationality, the usages, manners, and customs, which offend us in foreign immigrants, are in themselves as respectable as our own, and that much can easily be pardoned to a poor people who have for ages been oppressed by tyrannical or incapable governments. Let them reflect on the immense advantage to material prosperity which we have gained by this influx of foreigners which alarms them. The foreign population, undeniably, has its faults, its vices even; but, though different, they are not greater than our own, often not so great. The Irish, for instance, greatly scandalize us by their habit of exposing, instead of concealing, their vices. The Yankee holds that cleanliness is akin to godliness, and he cannot go into the Irish quarter of the city without feeling that its denizens must be a vile and immoral set, because not more cleanly. He cannot believe that virtue and dirt can be found in the same habitation. Yet Americans of the same class, following the same pursuits, are really less cleanly than the Irish. The Irishman drinks, unhappily he drinks to his serious injury; and when he drinks, it must be a social affair, for he is never satisfied with a solitary glass. He gets excited, rushes into the street, makes a noise, perhaps gets up a "paceable fight," knocks down the policeman, or breaks the head of his wife, not more sober than he. All this is shocking, inexcusable, and we cry out against the drunken Irish, against the priests, the bishops, the nuns, the Jesuits, and the pope. God forbid that we should defend it, but the difference between them and us, after all, is only a difference of manner. We do just as bad, or perhaps worse, only not precisely in the same way, or with a little more external decorum, with more regard for appearances. Our eyes are open to their vices, and closed to our own. There are more violations of external decency and the petty police in Broad than in Beacon Street, and more real, solid, and abiding virtue. It is easy to declaim against the poor, uneducated Irish crowded together in our large towns, and to find much among them that is really annoying; but it is very difficult to go among these same poor Irish people, into their houses, and enter into familiar and kindly conversation with them, and not come away charmed. Even at worst, there is a mellow spot in the Irishman's heart, and he has the secret of finding the mellow spot in your own, if you

have one. Place the same number of Anglo-Americans in the position of these poor and reviled Irish people, subject them to the same privations and the same usage, and we should find a difference not at all flattering to our national vanity. Out from these narrow lanes, blind courts, dirty streets, damp cellars, and suffocating garrets, will come forth some of the noblest sons of our country, whom she will delight to own and to honor. Reflect on this, my countrymen, and reflect that the children of the foreign population will grow up native Americans, and you may well moderate your feelings against them. They are too numerous to be massacred, too numerous to be driven from the country, and native Americans, we hope, have too much self-respect, if nothing else, to seek to make them bond-slaves. The immigration will soon cease or be greatly diminished, and in a few years the foreign population will be assimilated to the native. So, after all, with mutual forbearance, the evil will gradually disappear.

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# THE KNOW-NOTHINGS.

[From Brownson's Quarterly Review for 1854-5.]

## ARTICLE I.

Our readers have no need to be informed that there is a secret anti-Catholic organization throughout the Union, bearing some resemblance to the Orange lodges of Ireland, of persons who very appropriately call themselves Know-nothings. The party that is represented by this organization is substantially the late anti-Catholic native American party, and is led on, avowedly or unavowedly, under the direction of foreign anarchists, and apostate priests and monks, by men of desperate fortunes, fanatics, bigots, and demagogues, some of home and some of foreign production. The party reduced to its own elements would have little or no importance, but, affecting to be national, it is, in the actual state of the country and of national, religious, and political passions and prejudices, somewhat formidable, and demands the grave consideration of every true American, and especially of every Catholic citizen.

The Know-nothing party, taken in a general rather than in a special sense, rely for their success on two powerful sentiments;—the sentiment of American nationality alarmed by the extraordinary influx of foreigners, and the anti-Catholic sentiment, or hatred of the Catholic Church, shared to a greater or less extent by the majority of our countrymen, and which, by the anti-Catholic declamations of Protestant England, Exeter Hall, and apostate priests and monks, and by the extension and consolidation of the church, and the freer, bolder, and more independent tone of Catholics, in the United States, has been quickened just now into more than its wonted activity. The strength of the party consists in the appeals it is able to make to these sentiments, especially to that of American nationality, for with the American people this world carries it over the other, and politics over religion.

From neither of these two sentiments should we as Catholics have much to apprehend, if they were not combined and acting in concert. Our obvious policy is, then, to do all we lawfully can to keep them separate in the public mind, and prevent them from combining. This can be done, humanly speaking, only by satisfying the sounder portion of our non-Catholic countrymen,—as every Catholic knows to be true,—that there is no incompatibility between Catholicity and the honest sentiment of American nationality, and that whatever of foreignism attaches for the moment to Catholics in this country attaches to them in their quality of foreigners, and not in their quality of Catholics. This is certain, for the sentiment of nationality is as strong in the bosom of the American Catholic as in the bosom of the American Protestant. Nothing seems to us more important at this crisis in relation to the Know-nothing movement, than for us clearly to distinguish the sentiment of nationality from the anti-Catholic sentiment, and to be on our guard against offering it any gratuitous offence, and by our indiscretion enlisting on the side of that movement the large class of respectable non-Catholics who love their country more than they hate popery.

It cannot be denied that the immense majority of our Catholic population have emigrated from various foreign states, principally Ireland and Germany, and have brought with them, as it could not otherwise happen, foreign sentiments, attachments, associations, habits, manners, and

usages. They bear not on coming here the stamp of the American mint, and are to the American people foreigners in feeling and character. This is not said by way of disparagement to either party, but as a fact, and a fact that gives to our church something of a foreign aspect, and prevents her from appearing to the natives as a national or integral element in American life. They are apt, therefore, to conclude from it, not only that the mass of Catholics are foreigners, or of foreign birth and manners, tastes and education, but that Catholicity itself is foreign to the real American people, and can never coalesce with our peculiar national sentiment, or prevail here without altering or destroying our distinctive nationality. This conclusion, all unfounded as it is, is nevertheless honestly entertained by many, and directly or indirectly enlists on the side of the Know-nothing movement, not simply the anti-Catholic bigots and demagogues of the country, but a very considerable portion of the more sober non-Catholic body of Americans, who, though they love not our religion, would otherwise stand by the religious liberty recognized and guarantied by our constitution and laws.

It was to meet this view of the case, that we wrote the article on *The Native Americans*. We saw, or thought we saw, the sentiment of American nationality fearfully excited against Catholics; we saw a storm gathering and ready to break in fury over our heads; we saw anti-Catholic mobs and riots taking place in a large number of the states; we saw that Catholics could be attacked, their persons and property endangered, and their churches desecrated or demolished, with impunity; we saw that the authorities were in most places favorable to our anti-Catholic assailants, and indisposed to afford us protection, and that Catholics, a feeble minority as we are, could, however brave and resolute, do little to protect ourselves in a hand to hand fight. We found a secret sympathy with the Know-nothing movement where we least expected it, and men secretly encouraging it who would naturally loudly condemn it, actuated by dislike to foreignism rather than by any active hostility to Catholicity as distinguished from the foreign elements accidentally associated with it. We wrote mainly for these, to show them that they had no reason for their secret or open sympathy, for we, a stanch Catholic, were a natural-born American citizen, and as truly and intensely American as the best of them.

Some of our friends, mistaking our purpose and wholly misconceiving the drift of our argument, construed our remarks into an attack on our foreign population, and as an especial insult to Irish Catholics,—not stopping to reflect that a Catholic American publicist could not possibly dream of insulting the Irish Catholics in the United States, unless an absolute fool or madman, neither of which will any of our Catholic or non-Catholic friends readily believe us to be. We deeply regret the misapprehension of our friends, and their hasty and uncalled-for denunciations of us; because they have thereby, unwittingly, played for the moment into the hands of the Know-nothings; because they have, as far as they could, given a practical refutation of our argument, and confirmed in the minds of our non-Catholic countrymen the very impression which we wished to efface,—that an American cannot become a Catholic, be a good Catholic, and maintain his standing among his Catholic brethren, without virtually renouncing his nationality, ceasing to feel and act as an American, and making himself a foreigner in the land of his birth. We fear the denunciations of us, under the circumstances, by the larger portion of the Catholic press in the English tongue, will hereafter, when it is no longer an object with them to excite Catholics against us personally, be used by the Know-nothings with terrible effect against the Catholic population of the country. We hope, however, that the candid among our non-Catholic countrymen—and we trust that there are many such—will not fail to perceive, what is the real fact, that these denunciations, after all, do not make any thing against our position, for the offence which our Catholic friends took was taken in their quality of foreigners, not in their quality of Catholics.

The misapprehension of our article, as it seems to us, has been extreme, and we can explain it only on the ground that Almighty God has suffered it to remind us that he has his own method of defending his cause and protecting his children, and to impress upon our heart, what in our pride we were perhaps in danger of forgetting, that his church does not stand in human policy, human wisdom, human sagacity, or human virtue; that he will prosper no policy, however wise or just it would otherwise be, which might in him who devises and urges it rob God of his glory, or render his supernatural providence less visible and striking. He has permitted a momentary delusion to blind and mislead the judgments of our friends, for his greater glory and

our spiritual good. We bow therefore in humble submission, and cheerfully kiss the rod that chastises us.

But while we murmur not against Providence, we may, we trust, be permitted to say that the *animus* of our article has been wholly misapprehended, and an interpretation given to our remarks which was not intended, and which, with all deference to our critics, we do not believe warranted by any recognized rule of construction. For what we said, fairly construed, we hold ourselves responsible; but we do not, and will not, hold ourselves responsible for what we did not say, and what, with our known sentiments, our character, position, and antecedents, it must be obvious on the slightest reflection we could not have meant. Our article was written by one who combines in his own person the character of a stanch Catholic and a natural-born American citizen, who wrote to reassure his non-Catholic countrymen, to prove practically to them, that there is nothing in Catholicity to offend their nationality, and to caution his Catholic friends of foreign birth and education against so obtruding the foreignism, which as a matter of course adheres to them, as to offend the national sensibility;—to separate in the minds of both parties the Know-nothing movement from the question of nationality, and to make it obvious to every one that the Know-nothings are not a national party, and have not the slightest claim to be regarded as such, though, through an ordinary confusion of ideas, they are just now able to enlist on their side, to some extent, the honest feeling of American nationality. Had our friends understood us, we feel sure that they would have stood by us, and seconded our efforts. If they had done so, we think Know-nothingism would have received a deadly wound. But God has ordered it otherwise, and we submit.

Questions which touch national feelings and habits are, no doubt, delicate things to deal with, but we believe it the wisest way, when they must be dealt with, to approach them in a bold, straightforward, and manly manner, and deal them such a blow that no second blow will need to be struck. This is our policy. No Catholic can consent to be impeded in his free speech or independent action, so far as they are lawful and necessary to promote the cause of truth and virtue, by the tyranny of any nationality, whether his own or another's. Every Catholic knows that there are among Catholics, as well as non-Catholics, diversities of race and nation, and that these diversities do not pertain to Catho-

licity. No Catholic can confound them with his religion itself, without falling into the modern Protestant heresy, that diverse races and nations demand diverse religions,—the old pagan doctrine, which generated national religions, and imposed on each individual, as both Plato and Cicero taught, the obligation to follow the religion of his nation. Catholicity stands directly opposed to this doctrine of national religions, and teaches that there is one religion and only one for all men; for God has made of one blood all the nations of men to dwell on all the face of the earth. Protestantism, it is well known, originated to a great extent in nationalism, and it has latterly become a favorite doctrine with many liberal Englishmen and Americans, that, while Catholicity is adapted to the Celtic nations, Protestantism is the religion adapted to the Anglo-Saxon race. For the former, Romanism, as they call it, is the true religion, for the latter, Protestantism,—not considering that in this they concede that their religion is not Christian, for Christianity breaks down the partition-walls of nationality, and is adapted alike to all races and nations, as is evident from the commission which our blessed Lord gave to his apostles, which was, "Go ye and teach *all nations;* baptizing them in the name of the Father, and of the Son, and of the Holy Ghost; teaching them to observe all things whatsoever I have commanded you."

The Protestant may boast that Protestantism is the religion of Anglo-Saxons, and deny that Catholicity can prevail among them, but no Catholic can entertain the notion without denying Catholicity and becoming a pagan. The Catholic religion is for the German or Teutonic family of nations as well as for the Celtic, and the Anglo-American can, if he chooses, be as good a Catholic as the warm-hearted son of the Emerald Isle. Catholicity is not insular, it is continental, universal, and the Teutonic races have played a distinguished part in the history of the church ever since the fall of the Roman empire of the West. St. Thomas of Aquin, St. Anselm of Canterbury, St. Boniface the apostle of Germany, Albertus Magnus, the author of *De Imitatione Christi*, St. Wilfrid, St. Dunstan, St. Thomas of Canterbury, and the long line of Anglo-Saxon saints who won for noble old Catholic England the glorious title of *Insula Sanctorum*, were all, we suppose, of the Teutonic family. Charlemagne was a true German; the Franks, who gave to France her name, her laws, her institutions, and her rank among the

nations of the earth, were a Germanic tribe, and it was precisely in those parts of France where the Germanic element was weakest that the Albigenses had their seat, and Protestantism erected its strongholds. For ages nearly all the royal, and the great majority of the noble, families of Europe, who have given so many saints to the church triumphant and to the veneration of the faithful on earth, have pertained to the same family. Your old Catholic chivalry, so renowned in chronicle and romance, were, for the most part, of Teutonic descent. If ever there were Catholics, they were the hidalgos of Spain, and their very title, *Sons of the Goth*, tells you from what race they sprang,—the same race from which have sprung the Anglo-Saxons, the Anglo-Normans, and of course, so far as Saxon or Norman, the Anglo-Americans. One half of the Germans in Europe are still Catholics, and a large and not the least important portion of the Catholics in this country—as edifying and as devout Catholics, and as dear, we doubt not, to the church and her celestial Spouse, as any amongst us—are Germans; and better Catholics are not in the world than may be found to-day in England, Belgium, and Holland, all, according to the common reckoning, of the Germanic family.

Why do we say this? To exalt the Teutonic race at the expense of the Celtic,—to excite a war of races, and to pit race against race? Nonsense. Nobody can be silly enough to accuse us of a purpose so insane. We do it to repel the senseless pagan doctrine of our modern Protestant gentlemen, who teach that the Germanic family, especially the Anglo-Saxon branch, were intended by Almighty God to be Protestants, and cannot be really Catholics, and to prove by an appeal to history that Catholicity *is* Catholicity, and embraces alike all men and nations,—to combat from the high stand-point of Catholicity the narrow prejudices of race and nation, and to assert that our holy religion is not, like Protestantism, confined to particular nations, and can advance only as the nation itself advances, as we see in the case of Anglicanism, but is, so to speak, cosmopolitan, independent of all geographical lines and national distinctions. No race is debarred from entering the church, none is doomed to be Protestant or infidel against its will. No race or nation has the monopoly of Catholic faith or piety, and nowhere, in order to introduce Catholicity, is it necessary to introduce a foreign nationality. Father De Smet despairs of finding better Catholics than he finds among his dear Christian In-

dians, who yet remain Indians, and the Catholic missionary, that true hero, will never tire of telling you of the edifying and consoling examples of Catholic faith and piety that he finds in China, Cochin China, the Corea, Tonquin, Siam, and the South Sea Islands. Christ died for all men, instituted his church for all men, and adapted his religion to the wants and capacities of all races and nations. Catholicity asserts the unity of the race, the common origin and brotherhood of all men, and nothing is more repugnant to its spirit than to judge individuals by the race from which they have sprung or the nation in which they were born. Never should we treat any race with contempt, or claim every virtue under heaven for our own. Away with these petty distinctions and miserable jealousies. What is it to the Catholic that the blood that flows in his brother's veins has flowed from Adam down through an Anglo-Saxon or a Celtic channel? Through whichever channel it has flowed, it is the same blood, and has flowed from the same source. All men are brothers, with one and the same Father, and one and the same Redeemer. We know but one religion, but one sort of Catholicity, and that is not Irish, French, German, Spanish, Dutch, English, or American, but Roman and Apostolic,—*Roman*, because Rome is the centre of its unity on earth, and *Apostolic*, because Rome—not as a nation, as a city, or state, but as the Holy See—teaches and administers it with the authority of Peter, to whom Christ gave the keys of the kingdom.

Nevertheless, even under Catholicity, diversities of race and nation, of genius, language, education, tastes, habits, and manners and customs, do and will obtain. Every nation, in that it is a nation, lives a life of its own, which distinguishes it morally, as well as geographically, from all others. This distinctive national life, its informing principle, the principle of its unity, of its collective individuality, conversion to Catholicity purifies and exalts, but does not alter or destroy, any more than it does the peculiar traits or characteristics of individuals. While then, the American respects the nationality of others in so far as it leads them to infringe no principle or precept of justice, he has the right to retain his own, uncensured, unmolested, and to prefer it, as he does his own wife and children, to all others. Every independent and sovereign nation has the right to preserve its own nationality, its own identity, and to defend it, if need be, by war against any foreign power that would

invade it; and then, *a fortiori*, to close its political society, if it sees proper, against all foreign immigrants who, in its judgment would endanger it, or not prove advantageous to it. In so doing, it exercises only the inherent right of every sovereign state, and persons born citizens or subjects of other states have no right to complain; for naturalization is a boon, not a natural and indefeasible right, —a *boon*, not in the sense of a simple gratuity, for the sole advantage of him who receives it, with no direct or indirect advantage resulting to the nation, as some of our friends have supposed we must have meant, although we said expressly to the contrary; but a boon in the sense of a *grant* as contradistinguished from a natural and indefeasible right, and therefore a concession which a nation is free to make or not to make, according to its own views of policy or humanity, without violating any principle of natural justice. This was obviously what we meant, and all we meant, when we called naturalization "a boon, and not a natural right." Whether the word was happily chosen or not, we leave to verbal criticism to settle; our meaning was plain enough, and to that we have heard no objection.

Naturalization is a civil right conferred by our laws, and the rights it confers are held by as valid a title as that by which the natural-born citizen holds the same rights. Legally and politically considered, with one solitary exception, naturalized citizens stand on a footing of perfect equality with natural-born citizens. Every foreigner of good moral character, by complying with certain conditions, can enter our civil and political society, except as to the presidency of the United States, on perfectly equal terms with natural-born American citizens. This we suppose everybody knows. But the wisdom of this policy is an open question, and a fair subject of discussion. A party in the country, stronger than we wish it, is agitating for the alteration or repeal of the naturalization laws. We trust it will fail; but it will not do to oppose this party on the ground that naturalization is a natural right, held antecedently to civil legislation, and therefore a right which congress is bound to recognize and protect, and is not competent to withhold. No foreigner has a right to demand of our government, antecedently to its own legislation, to be admitted either into our political or our civil society. Congress is perfectly competent, in case it breaks no faith expressly or tacitly pledged

to foreigners already here, though not yet naturalized, to repeal the naturalization laws it has itself enacted, and would in so doing violate no principle of natural justice. Whether it would be good policy to do so is another question, and one to be discussed on its merits.

As a general rule, we think the true policy of a nation is to reserve political — we say not civil — citizenship to persons born on its territory, or of citizens temporarily resident abroad, and to distinguished foreign-born individuals, as a reward of eminent services. We do not believe it sound policy to make political citizenship too cheap, lest we make it valueless, and encourage a neglect of its duties. But we can understand that there may be exceptions to this rule, and we have hitherto considered our own country as one of them. We had, on setting up for ourselves, a large territory, thinly peopled, and in great part uncultivated. We wanted settlers and laborers from abroad, and we invited them by offering liberal terms of naturalization. This policy was natural, and in our case, under the circumstances, not unwise, and hence we have always hitherto supported it, as equally advantageous to the country and to foreign settlers. If the case stood now as it did ten, or even five, years ago, we should not hesitate a moment to continue to lend to it all the support in our power. But the case has altered. From 1790 to 1820, when we most wanted foreign settlers, our naturalization policy attracted but a small immigration, and it is very clear that it is not that policy that has attracted or that attracts the great mass of foreign immigrants to settle among us. Nevertheless, during that period, the immigration, though comparatively small, was upon the whole advantageous as far as it went. From 1820 to 1845, the immigration became much larger, and had a sensible effect on the country, and was in our judgment highly advantageous. It was principally Catholic, and therefore an immense moral and religious as well as material gain. Since 1845, especially since 1849, when the reaction of conservative principles in Europe became decided, and the revolutionary movements were suspended, if not finally defeated, the immigration has been larger still, but of a different character. The Catholic element has been relatively smaller, and far less pure, and the anti-Catholic element, the infidel and revolutionary or anarchical element now largely predominates, and is likely to continue to predominate.

While the Catholic element predominated, we were in favor of our liberal naturalization laws. The really Catholic immigration we certainly greet with a most hearty welcome, from whatever foreign country it comes. Through it we have obtained a large Catholic population, and the church has been, not introduced indeed, for that honor belongs to one of the "Old Thirteen," the noble colony of Maryland, but extended through the Union and consolidated. We need not say that we regard this as an immense gain in a national as well as in a religious point of view, for as our readers know, our sole reliance for the preservation of American liberty and American institutions, and therefore for the success of what is called the American experiment in self-government, is on the Catholic Church. Catholicity, so far from being opposed to republicanism, as so many of our countrymen believe or pretend, is absolutely essential to its wholesome working and successful maintenance. Hence, identifying genuine republicanism with genuine Americanism, we regard real Catholics as by far the truest Americans amongst us. We expressed this when we placed the Catholic population, whether Irish or German, at the head of the American people, as the most truly conservative body in the country. This we should think, might have spared us the unjust accusations which have been so liberally, and, we will say, so inconsiderately, brought against us, of setting up one race against another, of insulting Irish Catholics, and of being hostile to the foreign *Catholic* immigration.

With regard to the mass of non-Catholic, or merely nominally Catholic, revolutionary, socialistic, and radical immigrants, now pouring in upon us at a frightful rate, we confess that we are opposed, we do not say to their coming here, but to their admission into the bosom of our political society. We are not opposed even to these on the ground of their foreign origin, but solely on the ground of their well-known character, and the abominable principles which they avow, and labor with all their might to carry into effect. These, we confess, with the present filibustering, ultra-democratical, fanatical, philanthropical, and abolition tendencies of so many of our natural-born countrymen, make us fear for our American republicanism, such as it was in the minds of our fathers, and we do not believe it wise or safe to open to them the entrance into our political society. We do not in fact, believe them entitled to be admitted

even under our present naturalization laws, for they are to a fearful extent banded together in secret societies, affiliated to the terrible secret societies of Europe, and directed by foreign demagogues and revolutionists, such as Kossuth and Mazzini. Their riotous proceedings in many parts of the country during last winter, in what are called the Bedini riots, their revolutionary programmes, and their avowed intention to revolutionize American society, prove to us that they have no intention or disposition to be quiet, orderly, and loyal American citizens. As an American citizen and an American republican, we cannot but be opposed to their naturalization, and *a fortiori* as a Catholic; for they are the worst enemies of the church in this country, are hand and glove with the Know-nothings taken generically, and may be regarded as the real instigators and most effective supporters of the Know-nothing movement. Know-nothingism is no Yankee invention, no American production, but an imported combination of Irish Orangeism, German radicalism, French socialism, and Italian astuteness and hate.

But the country cannot, certainly will not, discriminate in our favor against these *mauvais sujets*, naturalize Catholic immigrants, and refuse to naturalize the non-Catholic. We cannot ask it to do so, for the dominant religious sentiment of the country is in favor of these and against us. Considering the danger from them both to our country and our religion, considering that the Catholic immigration is diminishing, and will most likely cease before many years altogether, we threw out by the way a suggestion, that it might become a question with Catholics, whether it would not be well for them, that is, in the case of future Catholic immigrants, to forego the privilege of naturalization, if by so doing they could prevent these non-Catholic immigrants from being naturalized; that is, whether it would not be well for us to consent to the prospective repeal of the naturalization laws, in order to exclude from American political society the dangerous class of non-Catholic foreigners. If it would have that effect, we do not think the sacrifice would be too dear on the part of Catholics. But we did not advocate it; we merely said, that, in case there was no discrimination against us, we should not oppose, as we would not advocate, a repeal or alteration of the naturalization laws. Here was nothing at which Catholic adopted citizens, or Catholic immigrants not yet naturalized, could reason-

ably take offence, because the distrust expressed was not distrust of them, but of non-Catholics,—not of foreigners as such, but of a particular class of foreigners, with whom they could not expect us to sympathize, and with whom we could not suppose that even their Catholic countrymen could make common cause with a good conscience. We do not insult an American Catholic when we denounce an American radical, if we denounce him because he is a radical, not because he is an American. Why then do we insult Irish Catholics because we denounce Irish radicals, when we denounce them simply as radicals, and not as Irishmen?

Although constitutionally and legally adopted citizens are equal members of our political and civil society, it does not follow that the country, that is, the dominant sentiment of the country, makes no distinction between them and natural-born citizens, and it is going a little too far to say that their position here, with the solitary exception specified in the constitution, is in no respect inferior to that of natural-born citizens. The title by which they hold their rights is not inferior, but no man can be acquainted with the prevailing sentiments of the country without being well aware that things will be tolerated or suffered to be done without offence in natural-born citizens, that will not be in naturalized citizens; for the country, when these last do not please her judgment, fancy, or caprice, is sure to remember that they are not her natural-born children, and to throw their foreign birth in their face. We do not say that this is right; we did not and do not pretend to justify it, for we are not democrat enough to believe the country either infallible or impeccable, but we do say that it is fact and human nature. In reality, the country, not by her laws, but by her sentiments, always regards even naturalized citizens in the light of guests enjoying her hospitality, and exacts of them the modesty and reserve expected in well-bred guests. Therefore there are some things permitted to natural-born citizens from which adopted citizens must abstain if they would avoid unpleasant collisions, from which they can gain nothing, and may lose much. Theory is all very well, but a prudent regard to actually existing facts is seldom amiss in regulating our conduct. We did but describe facts as they are, and put into the mouth of the country the language which expresses, *so far as not restrained by religion*, her actual sentiments. Our friends, with a liberality which will prove its own reward, have done us the honor to ascribe

those sentiments to us personally, and to conclude that we described them only because we approved them. We have been in the habit, however, of considering the historian not responsible for the crimes he narrates, unless expressly or implicitly indorsing them, and also that one may counsel prudence in the exercise of rights without denying or calling in question the rights themselves. Knowing the sentiments of the country with regard to the class of persons concerned, where was the harm in our stating them? Or where was the harm, since it never entered into our head that our friendship to that class could or would be questioned, in offering them such advice as those sentiments, whether just or unjust, made proper and necessary?

But it is not the country alone that makes a practical distinction between adopted citizens and natural-born citizens, and they who study our article will perceive that the gist of our complaint was, that the foreign-born population make and insist on it themselves. It is their insisting on this distinction, their keeping it in various ways constantly fresh in the minds of the American people, that constitutes the gravamen of their offence. It is unjust for those who insist on this distinction to blame us for calling attention to it. If adopted citizens make no distinction between themselves and natural-born citizens, why is our highly esteemed friend of *The American Celt*, at the moment we are writing, publishing a series of essays addressed to adopted citizens, as a distinct class, and advising them to abstain from voting in the next presidential election? Why do their own demagogues, as well as ours, always address them as a distinct class? And why are our American ears saluted with such unpleasant sounds as "the foreign vote," "the Irish vote," "the German vote," "the vote of adopted citizens"? If no distinction is made, why have they special organs, and why are they not through these organs addressed as simple American citizens, and not as adopted citizens, or as Irish or German Americans? If they themselves make no distinction in their own minds and hearts, why did our remark that it is for them to conform to our nationality, not for us to conform to theirs, strike a portion of our Irish Catholic friends as so unjust and so insulting?

That adopted citizens do to a great extent look upon themselves as a distinct and separate class in the American community, and that their leaders, their demagogues and ours, labor to keep them so, for selfish and political pur-

poses, is a notorious fact. A man who can bring ten, twenty, or fifty thousand votes to a party by addressing adopted citizens as a distinct class, when he could bring only his own, if he addressed them simply as American citizens, has a very obvious interest in keeping them a distinct and separate class; and it is the facility with which they can be so kept, and influenced by appeals to their old national interests or affections, foreign to the American, that creates no small share of the hostility felt towards them, and that provokes native American movements against them. Would our excellent friend—and such we really hold him—address the advice to American citizens generally to abstain from voting, which he is giving to adopted citizens? Does he not see that he regards them as a distinct class of citizens, with interests and duties other than those of American citizens generally? For ourselves, we have uniformly studied to avoid a recognition of such distinctions, except to rebuke them. We have addressed Catholics as a distinct class, for in religion they are so; but we have never urged upon them a political policy which we have not equally urged upon all citizens, whether of our religion, or of the Protestant, or of none. We have opposed always every such thing as a Catholic party in politics, and have always refused to recommend any man for an office on the ground of his being or not being a Catholic. We have wished the Catholic press to abstain from committing Catholics as such either to the Democratic party or to the Whig party, and to leave them free as Catholics to vote for either party according to their own judgment as free and independent American citizens. We have wished to keep the Catholic element separate from the conflicts of party politics. We wish always to do the same with regard to the foreign element.

In fact, our adopted citizens, at least their leaders, are not always satisfied to be treated simply as Americans, and they would take it as an offence if we refused to recognize their foreign nationality. This is not indeed the case with all, we trust not with a majority, but it is the case with a large number, and especially with those who figure most in our political contests. They are willing to be treated as Americans certainly, but it must be as *Irish* Americans, or as *German* Americans, which leads to the use of the offensive term *Anglo*-American as designating the mass of the original population of the Union, through whose heart flows the main current of the distinctive American nationality. Our

Irish friends show this in the very titles of their journals. They would be offended if an American journal should call itself *The Anglo-American*, and yet they give us *The American* CELT, and *The* IRISH *American*. These titles imply a double nationality, the American and the Irish, and indicate the light in which they who support them regard themselves. We have no objection to the Irish nationality. We love and honor it as much as any man can love and honor a nationality not his own. Personally, we have always been partial to the old Celtic order of society, as we met it among the Scottish Highlanders and the original Irish, and we have wept bitter tears over its disappearance in Ireland before the axe or rope and confiscation of the Anglo-Saxon or the Anglo-Norman, and the extinction of its last hope on the field of Culloden; but our tears wake not the dead, and recall not to life the dear ones we have laid in the grave. There is no more gathering of the clans, and the stranger revels in the hall of the Irish chieftain. The old Celtic order of life, even in the Irish Catholic peasantry, is to-day little more than a reminiscence and a regret, and will, if the national schools remain, very soon cease to be even so much. It cannot be revived; certainly not on American soil, where it has never been even a tradition. Here a different order of tradition rules, a different—we say not a better, but a different—order of national life predominates, and we have nothing to do but to accept it, and make the best of it. Those who regret their own old national life are not to be blamed for doing so, and much must be pardoned to them, as to the mother in the paroxysm of her grief over the lifeless remains of her darling boy; but still they must make up their minds to one thing or another, and not be, as Mrs. Malaprop says, "two gentlemen at once." We cannot be required to recognize two distinct and mutually repellent nationalities at the same time and in the same persons. As to our Irish Catholics, we are willing to treat them either as simply Catholics and Americans, if they will permit us, or as simply Catholics and Irishmen, if they prefer; but we insist that they shall make their election, for we cannot, even if we would, treat them as both at once, because the national type they bring with them from Ireland—that is, those of them who are called *the Irish*—is different from the American type, and unity is possible only by the assimilation of the one to the other.

There need be nothing offensive in this statement, for it

is made in no offensive sense, and with no thought of exalting one nationality at the expense of another. We do not enter into the old quarrel of Saxon and Celt when we say the dominant type of American nationality is *Anglo*-American, and not *Irish* American, for we only express a simple fact and call things by their right names. We do it not to imply that our nationality is any better because it is derived from the English than it would have been if derived from the Irish. Perhaps it is inferior. Into that question we have not entered, and will not enter, for, as Dogberry says, "comparisons are odorous," and we have no wish to flatter the pride of the one race or excite the envy of another. We only assert our American identity as we do our own individuality, which, though very much inferior to another, is yet the best for us, because it happens to be ours. The colonies, which have grown into the United States, were *English* colonies, and the great bulk of their inhabitants were of *English* descent. When we became an independent nation, we were substantially an *English* people. From England we have derived our language, our literature, our laws, our political and social institutions, our habits, manners, and customs, only modified by the incidents of colonial and a subsequent separate national life. This is simple fact, which nobody in his senses can deny. There were indeed Dutch in New York, and Germans in Pennsylvania, who had and still have a local influence, but none in determining the national type of the American people regarded as a whole. There were Irish and Scottish settlers, before the revolution, in New Hampshire, Pennsylvania, North Carolina, and in most of the other colonies. They were a valuable accession to the colonial people, and are honorably distinguished in our annals; but they introduced no foreign element, no distinctive or foreign nationality. They were to a great extent anglicized before leaving home, were assimilated in language, religion, and manners to the English settlers, and formed but one people with them. It never even occurred to us to distinguish them from the people we called Anglo-American, for we were discussing no question of blood or race, and never dreamed of restricting the Anglo-Americans to the unmixed descendants of the old Anglo-Saxons, who, for aught we know, were far enough from being an unmixed race themselves.

We wish we could convince our friends that the question of blood or race has with us not the least importance in the

world. The English are a distinct people, but not a distinct race. They are a mixed people, eclectic, like their language, composed of Angles, Saxons, Britons, Danes, Normans, Angevines, Gascons, Irish, Scotch, Flemings, Dutch, French, Italians, and we know not how many others. These, assimilated to a common national type, are what in modern times we call Anglo-Saxons, but whose proper name is *the English*. Now what we mean, when we call the American nationality Anglo-American, is, that it is derived from the English type, and all who are assimilated to it we call Anglo-Americans; or simply Americans, except when we are obliged to distinguish between them and those who call themselves *Irish* Americans or *German* Americans. We can conceive nothing offensive in this. The word itself may be unpleasant to Irish ears, and call up many unpleasant associations in Irish minds, but then do they not call themselves *Irish* Americans? Is that a term pleasing to the Anglo-American? We used the term not as a boast, nor to express a preference. A blue-eyed man might as well take offence at our saying to him, Sir, your eyes are blue, mine are black, and therefore of a color different from yours; or an Irishman might as well take offence at us for writing our name, after the manner of our ancestors, in the Anglo-Saxon form, Brown*son*, instead of the Celtic form, McBrown. Yet we are quite willing that anybody who dislikes the Saxon termination of our name should drop it, and give it the Celtic prefix. The only objection we have is, that it might create some confusion and give rise to a question of identity. But all this is childish, and they wrong the Irish who represent them as so weak and sensitive as to be unable to bear the very innocent epithet *Anglo*, without imagining an insult is intended them.

That our national life has been and will continue to be *enriched*, as we expressed it in our article, by contributions from various foreign sources, we have not the least disposition in the world to deny, but that these flow into the main current of our Anglo-American life, without diverting its channel or essentially altering its type, we consider a "fixed fact." Such has been the case in the past, as nobody acquainted with our history will gainsay; that it will continue to be the case, we infer from the fact that it is on American soil by far the strongest, and absorbs every foreign nationality that meets it. It has the digestive power of the ostrich. It assimilates the very children of foreign parents, unless

kept separate by difference of language, who grow up as good Anglo-Americans, in the sense in which we use the term, as the best of us. There is very little that is distinctively Irish, or that is not distinctively American, in the children of Irish parents born or brought up here, unless they have been kept from all intercourse with the old American people,—we mean the descendants of the English-speaking American people of 1790.

"But suppose you are right, why insist on it, especially in a time of such excitement against foreigners as the present?" For two reasons. First, to allay that very excitement, or to calm the fears of the more sober part of our non-Catholic countrymen, alarmed by the influx and movements of foreigners within the last few years. Secondly, to show our foreign-born population, not yet americanized, that they cannot, if they would, force their foreignism upon the country, and that all efforts on their part to preserve their distinctive nationality on our soil are not only dangerous, inasmuch as they excite the fears and hostility of native Americans, too strong here to be trifled with, but absolutely unavailing. We think it bad policy, to say nothing else, for foreign settlers in a country, naturalized or not, to tell that country that it has no nationality, that its nationality is not yet formed, and that it is to be, when formed, an "amalgam" of theirs and various foreign nationalities,—*foreign*, because introduced as distinctive national elements since the country became a nation, and was recognized as such by the nations of the earth. We think it would be very impolitic, even if it were not an idle dream, to hint, much less to insist on it; for no people on earth, not restrained by deep and earnest religious principle, which cannot be said of the Americans, will bear it,—especially if these settlers constitute a very considerable portion of the population, and boast that they and their children are over one half of the whole nation, and tell those who have always considered themselves and been considered by the world as constituting the great body of the people, that they are only about one third of its whole white population. We cannot quiet public excitement against us by insisting on the very things which produce it. That were in policy—a blunder. We must be pardoned, then, if, having the good of all the inhabitants of the country at heart, we refuse to adopt that policy, and take what seems to us the more common-sense course of seeking to allay the excitement, by showing that

its causes are unreal, that the danger apprehended is imaginary, and that the puerile boasts with which enthusiastic foreigners amuse themselves, or seek to relieve the tedium of their exile, should never be suffered to drive a great people from their propriety.

It is all very natural that immigrants should wish to find again their fatherland in the country of their adoption, or should console themselves with the thought, that, if they must ultimately part with something of their own nationality to the country, it, in return, must part with as much or more of its to them. We would not say a word to deprive them of this source of consolation, if indulged in private, and not paraded before the public, to frighten our timid old women of either sex. We do not mean to deny that the influx of foreigners has and will have a local and temporary effect on our national character, but what we do mean is, that it will not absorb our nativism, nor dissolve our nationality, or produce a new amalgam. We look upon it as inevitable that the immigrant population will, in time, become assimilated to the dominant national type, be completely nationalized as well as naturalized, and to become nationalized in a foreign country is to become conformed to its nationality, not its nationality to become conformed to them, which would be to conquer and subdue it. Believing this to be inevitable, that our immigrant population will americanize even in spite of themselves, we conclude, alike for the benefit of both parties, first, that these pretensions, and these efforts and organizations to preserve a foreign nationality, or to modify the American, which only excite the hostility of the country, will in the long run effect nothing in favor of the foreign-born population; and secondly, that it is very unwise and unmanly for us native Americans to be disturbed by them, or to fear that the foreign elements will absorb the native.

Here are our reasons for doing what we have done, and for doing it at this particular time. We can see nothing in it to aid the Know-nothings in their insane movements against foreigners. We did not in the remotest degree justify their movement, for we labored to prove that in the case of Catholic immigrants, the only class to which they are opposed, the fears they appeal to are groundless. The storm was gathering, and we wished to avert its fury as far as possible from the heads of the Catholic population of the country, native or foreign born, but more especially from

the Irish Catholics, who, as it generally happens, would be the chief sufferers. In this, we said not one word in disparagement of any one's nationality, we spoke neither in favor of our own countrymen nor against foreigners as such. We merely said that there is an American nationality,—of which we could not doubt, for we felt it throbbing in our own bosom,—and contended that it had a right to prevail, and would prevail, on American soil. It seems to us that we had just reasons to think that our readers, who never knew us to boast the superiority of one race over another, to treat any race with pride or contempt, or to disparage any man on account of his birth or nation, would attribute our assertion of Anglo-Americanism or of our own personal Anglo-Saxon descent to some motive, even if a mistaken one, less unworthy than that of asserting the superiority of Saxon to Celt, or the supremacy of New England over the rest of the Union. It is humiliating, indeed, to find such unworthy motives attributed to us, and by men who should know us better. But there is no reasoning with men who take their ungenerous suspicions or their unmanly fears for their premises. There is not a man in the country who has given stronger proofs of freedom from national and sectional prejudices than we have. We have never hesitated to censure our own country, or even New England, whenever we thought her in the wrong, and in the severest terms when we thought them deserved. We have defended Mexico, we have defended Spain, we have defended Austria, against our own government; we have defended Louis Napoleon against American radicals; Ireland against England; the South against the fanaticism of the North; and spoken of the West in comparison with Massachusetts, in terms by no means flattering to the pride of our adopted state. And yet there are men who do not blush to accuse us of being controlled by both national and sectional prejudices, and others silly enough to believe them! Verily, the race of poets is not extinct, if, as it has been said, the essence of poetry consists in *invention*.

In point of fact, the freedom of our censures upon our own country, though made with an American heart, had excited a suspicion of our patriotism, and was beginning to be used as a proof of the anti-American character of Catholicity. We owed it our brethren and to the cause to which our *Review* is devoted, to remove this unfounded suspicion, and to show that we can be sufficiently Ameri-

can, whenever the hour comes for the assertion of Americanism. We have always told our readers that we conducted a Catholic American Review, rigidly Catholic in religion, and in nationality and politics rigidly American. We have repeated this, time and again, and certainly not without a purpose, and a purpose which we should suppose could be easily divined. It is, we think, the proper character for a Catholic publicist in this country. But we have repeated it as our profession of faith, and as indicating a distinct and settled line of policy. The great controversy with Protestantism is no longer conducted on purely theological grounds, but is now made, as Balmes, Donoso Cortés, Montalembert, and all the great Catholic champions of the day, assure us, a national, a political, or a social question. Protestantism has virtually yielded the question as a theological question, and now debates it as a question lying within the secular order. The grounds taken by our non-Catholic countrymen against Catholicity are three: 1. It is foreign and opposed to our nationality; 2. It is anti-liberal and incompatible with our republicanism; and 3. It is anti-industrial, and repugnant to the material growth and prosperity of nations. It is on these grounds, however humiliating, that the Catholic publicist must now meet the question between Catholics and Protestants, if he would meet it at all, or say any thing to the purpose.

Now we all know that this first objection is very strong in the non-Catholic American mind, and that it is strengthened by the fact that the great body of Catholics here are immigrants and their children. The American not a Catholic regards the church as un-American, and to him she comes in and spreads here only in conjunction with a foreign nationality. For large masses of the American people Catholicity is simply the *Irish* religion, and to become a Catholic is regarded as the same thing as to become an Irishman. Of the fact there is no doubt, and that, humanly speaking, it operates unfavorably to the reception of our holy religion by our countrymen, there can be just as little, because it adds to their prejudice against the church the no less strong prejudice against a foreign nationality. Nothing is therefore more prudent than for one in our position thus to show that he preserves his Americanism. The most natural thought of an Irish Catholic in relation to this prejudice undoubtedly is to seek to remove it by reminding us of the past glories of the Irish people, and of the important

services which they have rendered to this country.* We do not question these glories or these services, but this method, since it presupposes a conversion to Irishism, as the condition of removing prejudices against Catholicity, can be relied on only in the case of here and there an individual; for the country, though not prejudiced against the Irish as individuals, yet is as much prejudiced against them collectively as against the church herself, and is only irritated by the means they take to vindicate their national glory. Grant, as we certainly do, that this prejudice is unjust, as are all national prejudices, as are the prejudices of the Irish themselves against the Anglo-Saxons as a race, yet it exists, and nothing that we or the Irish themselves can do or say in their favor will do any thing towards removing it; for nations, as well as individuals, can be unreasonable. We are grieved and mortified that it is so, but so it is, and the Catholic American must not be required to shoulder this national prejudice, but must be permitted in all freedom to distinguish for his countrymen between Catholicity as Catholicity, and Catholicity as identified with the Irish or any other foreign nationality. Why should he beat his head against a granite wall?

* The facts usually alleged by our Irish Catholic friends to prove the claims of the Irish people on American gratitude are not quite to the purpose. By *the Irish*, the American people understand the Catholic Irish of the poorer classes, in whom only they recognize what they regard as the distinctively Irish nationality. It is against these, or more properly against their self-constituted leaders, that they are chiefly prejudiced. The faults, real or imaginary which they discover in them they charge to Catholicity, and hold the church answerable for. Now this difficulty is not met, this prejudice is not removed, but confirmed rather, by proving to us that a large number of those whom the country delights to honor were Irishmen, but of another order. To show that Irish Protestants played a distinguished part in the early history of this country, or in our struggle for independence, is to say nothing for the Catholic Irish, but in the non-Catholic American mind much against them. Protestant Ireland sympathized with us in our struggle, and many of our distinguished men in the civil and military service were Irish Protestants or Irish Presbyterians; but this lays no foundation for our national gratitude to *Catholic* Ireland. Here is the point, and the reason why, as a Catholic, and as the friend of the Catholic Irish, we do not set any great value on Mr. M'Gee's very instructive and interesting work, *The Irish Settlers in America*. The Catholic Irish have rendered our country infinitely greater service than the Irish Protestants, but, unhappily, they are services of a kind which our non-Catholic countrymen cannot appreciate, and do not count as services at all, but the reverse. These services are those which they have rendered to the cause of Catholicity. Beyond these, however, they have rendered immense services in the material order, which our countrymen might, but which they do not, appreciate.

In Ireland Catholicity and nationality march hand in hand. During the long and painful struggle of Catholic Ireland with Protestant England, the two have become as it were identified in the national heart. Faith has sustained the sentiment of nationality, and nationality has come to the aid of faith by making it a point of national honor not to apostatize. The priest can appeal to the deep national sentiment to support the church, and the patriot can appeal to religion to keep alive the sacred fire of nationality. But these appeals, so natural and so effective in Ireland, where the Catholic faith and the national sentiment are so strictly united, cannot be effective here beyond the circle of the Irish immigrants themselves, because here the nationality is American and not Irish, and to appeal to the Irish nationality as an auxiliary beyond that circle is to confirm the very objection we wish to remove. The more prominent we make the Irish nationality, and the more we identify it with Catholicity, the more do we confirm the prejudices of the American people against our religion. What we want, so far as our non-Catholic countrymen are concerned, is, that our religion be presented to them free from all association with any foreign nationality whatsoever. We do not mean by this that they who present it must be of American birth, far from it. He who presents it may be an Irishman, a Frenchman, an Italian, a Spaniard, a Belgian, a Hollander, a German, for the American people are not at all prejudiced against the foreigner as an individual; but what we mean is, that he must distinguish it from his foreign nationality, if he be a foreigner, and present it as simple Catholicity, superior to all national distinctions and adapted alike to all nations. It always is so presented when introduced by the missionary into an infidel or an heretical country; yet so it is not easily presented where it is not introduced by the missionary, but by the migration of an old Catholic people, who seldom, if ever, distinguish, even in thought, between their religion and their nationality.

Here is the difficulty in this country with the great body of our catholics. Catholicity is their old national religion. They embrace, cherish, and defend it as the religion of their fathers, and identify it so closely with their own nationality, that they hardly conceive the possibility of the one without the other, and are therefore exceedingly apt in americanizing to lose their Catholicity. Hence the question has two grave

aspects, the one affecting non-Catholic Americans, and the other the Catholic immigrants themselves. It is necessary to convince the former that they can, so to speak, *catholicize* without ceasing to be Americans, and to enable the latter to americanize without ceasing to be Catholics. We know, humanly speaking, no way of effecting this double object but by distinguishing between Catholicity and nationality, and having it practically understood, on both sides, that our religion is bound up with no particular nationality, but can coexist, without collision, with any. We say *practically* understood, that is, presented as a living fact here and now; for in the abstract, in theory, no Catholic, at least, denies it. To this end, the Catholic who embraces the question under both of its aspects is required to present Catholicity solely as the religion of God, and to repulse all appeals to any particular nationality as an auxiliary. But, unhappily, he cannot do this without coming into frequent collision with those who are more intensely national than Catholic, or who, consciously or unconsciously, take it for granted that their religion and their foreign nationality must extend themselves together; and if of Anglo-Saxon origin, especially if a convert, he will be accused of hostility to foreigners, of arrogating every thing for his own hated race, of being governed by mean and narrow-minded national prejudices, or Anglo-Saxon disdain of the Irish. Denunciations after denunciations follow as a matter of course. The poor American Catholic, rejected by his countrymen as a Catholic, and by his Catholic brethren as an American asserting the right of American nationality on American soil, runs but a narrow chance for his life. Happily, however, if his motives are pure, he has an unfailing resource in God.

Such a narrow chance seems at the present moment to be ours. Yet what have we done? We have simply attempted to prove to our non-Catholic countrymen, that Catholicity is not a foreign religion; that it is not hostile to American nationality; that whatever of foreignism is associated with it in the minds of a portion of the Catholic population of the country is accidental, owing to their foreign birth and education; that really Catholic citizens, though adopted citizens, are the most conservative and reliable portion of the American people; and that the only dangerous class of foreigners are non-Catholics, infidels, apostates, radicals, socialists, and revolutionists. Here is

what we have done under one aspect of the question, and here is nothing to which a Catholic can honestly object. We have called upon our Catholic friends of foreign origin, and who naturally and without thinking of it bring their foreign nationality with them, to accept American nationality such as it is; to forbear making war on it, or setting up their own against it; to be discreet, and on their guard against offering it any gratuitous offence, for here they are the weaker party, and cannot, if lawful to do so, resist it with effect; in a word to study to become nationalized as well as naturalized, and merge themselves in the great American people. Believing that, as an American citizen whose ancestors were among the first settlers of the country, we know the feelings of our non-Catholic countrymen better than any foreigner can know them, we have described the dominant sentiment of the country with regard to adopted citizens, and pointed out to them some of the respects in which they have not in our judgment been prudent, and have unnecessarily offended the national susceptibility. We have utterly exploded the national pretensions of the Know-nothings, or the so-called native American party, and denounced them as a miserable anti-Catholic faction, led on by foreign and native demagogues, who care not a straw for Americanism any further than they can use it for their own base and selfish purposes. Finally, we have reminded our own countrymen of their own faults, greater than those they presume to lay to the charge of foreigners, and called upon them to reflect on the immense services rendered by foreign immigrants to the material prosperity of the nation. Here, again, is what we have done under the other aspects of the question. And what is there here that any Catholic, whether native-born or foreign-born, can construe into an insult? Have we found some faults to reprove in our foreign-born population? Do they imagine that they are faultless? or that no one is to speak of them but in terms of high-wrought eulogy? But have we pretended that they are more faulty than our own countrymen, or have we reproved them with a tithe of the severity that we have native-born Americans? Had we said a hundredth part as much against foreigners as we, or many of them, have said against our own countrymen, our life would hardly be worth a year's purchase, judging from the fury with which we have been assailed by a portion of the foreign-American press. We assure our Catholic friends,

that they have in some instances allowed their national feelings to run away with their Catholic charity, and have been far from presenting an edifying example to the American people. Understanding, indeed, our remarks in the marvellously incorrect manner it seems they did, we can account for much of their wrath, and pardon their fury. But taking what we have done in the sense obviously intended, we are sure that there was nothing in it that could have reasonably offended a single Catholic in the world, and we should have felt that we were offering a gross insult to our whole Catholic population had we even hinted the possibility of any one's taking offence at it. But let this pass.

The Know-nothings, whom it has been said we have joined, are really an anti-Catholic party, and only accidentally and by false pretension a native American or national party; real, genuine Americans, in their true national character, whom we distinguish from the Know-nothings, though national, are anti-Catholic only by accident and through ignorance. To the true American feeling and the American system of government, Catholicity offers no opposition; but accepts and consecrates them as American. Consequently, between Catholicity and genuine Americanism there can never be any collision, and our honest non-Catholic countrymen would see and acknowledge it, if they were only well acquainted with our holy religion. This is what we said, when we asserted that the native American party is only accidentally anti-Catholic, and which some of our friends have, singularly enough, interpreted to mean that the Know-nothing party are only anti-Catholic by accident. We should suppose our well-known sentiments and character might have saved us from so gross a misapprehension. If there had been any obscurity or ambiguity in our language, we should suppose it were removed in a subsequent part of our article, where we deny the claims of the Know-nothings to Americanism, denounce them as a miserable anti-Catholic faction, and say that we utterly repudiate them, both as a Catholic and as a natural-born American citizen.

It would seem that we presumed too much on the credit we supposed would be given us for common sense, and we did not therefore enter into as minute explanations as were necessary to save us from the suspicion of being either insane or a downright blockhead. There has, ever since the second term of Washington's administration, been in the

country what may be called a native American party, opposed to the liberal policy of our naturalization laws. This party was called into existence by the very censurable proceedings of Genet and the French Jacobins, who opposed the neutrality which Washington and the majority of the people sought to maintain in the war then raging between the French republic and the united kingdom of Great Britain and Ireland, and was invigorated by the violence of foreign radicals, and their gross libels on the government under the administration of the elder Adams. To this party we had reference when we said the native American party is only accidentally anti-Catholic, for the foreigners to whom it was opposed were not Catholics, but Jacobins, in the language of that day. Catholics, whether of native or foreign birth, were not then sufficiently numerous in the country to be counted, and the Catholic element did not enter into the question between nativism and foreignism.

A native American party, in reality, has always existed in the country. A few years ago it was separately organized, and made some noise and did some notable things. This was called the native American party, and on the question of nationality simply continued, under another name, the party that passed the "alien and sedition laws," and was not anti-Catholic in its origin or the first moments of its organization; that is, it did not oppose Catholics in their quality of Catholics, but opposed them only in their quality of foreigners. It was then only accidentally anti-Catholic. Now the sentiment which underlies this party, regarded as simply a native American party, is respectable, for it is only a phase of patriotism or nationality, and is shared alike by every natural-born American, whether Whig or Democrat, Catholic or Protestant. This is what we meant and what we said.

But we beg our readers to note what it precisely is that we do say. Our expression was, "the sentiment which *underlies* the native American party." A man uses this form of expression only when he approves the sentiment, and disapproves the use or application that is made of it. The language approves the sentiment, but condemns the party. The sentiment is that of nationality, or identity of one's own nation, as we say; for in our estimation the sentiment of nationality does not always give the preference to one's own countrymen; when a foreign-born citizen can render the nation more valuable services than the natural-

born, it prefers him. If an Irishman, as well may happen, can do more to develop and preserve our nationality than an American, it is no impeachment of our patriotism to prefer him. But this sentiment, which underlies the native American party, we have described as shared by all Americans. The American feeling, we suppose, was as pure and as strong in the bosom of the Jeffersonian or Republican party which supported, as in the bosom of the Federal party which opposed, our liberal naturalization policy. We do not think the Republicans were less patriotic or less unwilling to sacrifice their national identity than were the Federalists; they thought, and the event has proved that they were right, that the fears of the Federalists were groundless, and that the liberal policy might be adopted with advantage to the country as well as to foreign immigrants themselves. But there has always been a party that has cherished those fears, and within the last few years not entirely, as we showed in our last *Review*, without reason,—though by no means with so much reason as some imagine, as we also showed; and this party, a few years ago, organized themselves into the late native American party. Well, the sentiment which underlies this party as so organized and so named, we said, and we still say, is respectable, and is as strong in the bosom of the American Catholic as in the bosom of the American Protestant. We did not say, and we do not now say, that we approve the use or application which the party makes of that sentiment. In its origin the party was not directly anti-Catholic; but even then we did not like it, and wrote against it, though we shared the sentiment of nationality on which it professed to be based. But the organization had hardly been effected before it ceased to be American, before it was seized upon by no-popery demagogues,—some native and some foreign-born, among whom figured now and then a North-of-Ireland Orangeman, and especially, as the most prominent leader in this section, the ex-priest Hogan, born, we believe, in Ireland,—and perverted to a simple anti-Catholic faction, disgraceful to itself and to the country. Now *native Americanism*, in the sense of this miserable anti-popery faction, with its foreign leaders, with an Irishman for its mayor of New York and a Jew for its representative in congress, is no doubt in bad odor with all our foreign-born Catholics, and with a large portion of non-Catholic Americans. But it was not of this party, *after its perversion*, that we said

the sentiment which underlies it is respectable, or as strong in the American Catholic bosom as in that of the American Protestant; nor was it of this party after, but before, its perversion, that we said it was only accidentally anti-Catholic, for our expression was, "The native American party *in its origin* was only accidentally anti-Catholic."

The Know-nothings are generically considered this same party, after its perversion to an anti-Catholic faction, under a new name and organization. But we can tell our friends, that if they flatter themselves that these same Know-nothings enlist, despicable as they are, nothing of the respectable sentiment of nationality in their favor, they are very much mistaken. The Know-nothings themselves have not the slightest conceivable claim to be regarded as a national or American party. They are, if you will, Orangemen, hoping by means of maintaining Protestant ascendency to rule the country, and to share the loaves and fishes of office; they are anti-Catholics, carrying on the war of the world, the flesh, and the devil against the Lord and his Christ; they are revolutionists and libertines, who find the church in their way, and who would destroy her and bring back the reign of Night and Chaos. This is what they are, caring not a straw for Americanism any further than they can use it to accomplish their own infernal purposes. But they profess to address the honest sentiment of American nationality, and, in the present state of feeling against the church, they are able, we are sorry to say, to enlist that sentiment to a very considerable extent on their side, and it was to defeat them in this that we wrote our article.

There can be no question that there is at this moment a strong public excitement against Catholics and Catholicity in the country. The very successes of the Know-nothings prove it. As to the more immediate causes of this excitement, there may be some difference of opinion. Some Catholic journals have not hesitated to ascribe it to the inconsiderate zeal and ultraism of some converts, among whom the first rank is given to ourselves and our highly gifted friend, Bakewell, editor of the late *Shepherd of the Valley*. It is very well, no doubt, to throw the blame upon us poor converts, who of course have no party to protect us, and to make us responsible for the hostility felt towards Catholics. There is something generous and manly in such a proceeding. At least, such a proceeding is safe. But if our Catholic journals had merely said that we and our friends have

produced excitement amongst Catholics themselves by our fearless assertion of the absolute necessity of the Catholic faith to salvation, and our high-toned doctrines on the freedom of religion and the supremacy of the spiritual power, they would not have been far out of the way; but if they suppose that we, by the things they allege, have excited the active hostility of the American people against the church, we can tell them that they have fallen into a grave mistake. Our non-Catholic countrymen would suffer us to advocate the doctrines supposed to be so offensive to them till doomsday, without suffering themselves to be provoked into any thing more than a laugh, or a newspaper squib at our expense. No assertion we can make of exclusive salvation, or of the power of the pope, can disturb them, because, not being Catholics, the assertion of the former has no force for them, and, having some knowledge of the present state of society, they have no fears of the latter. It is never safe to ascribe the convictions and feelings of Catholics to non-Catholics, and to suppose that things which often alarm us for them appear to them in the light they do to us. We feel quite certain, that, had it not been for the fears and the complaints of Catholics themselves, our so much harped upon virulence, harshness, and ultraism, which they were the first to proclaim, would never have been detected, certainly never complained of, by our non-Catholic countrymen. The American people are little moved by any thing that we or anybody else may do, as long as we keep within the region of doctrine and speculation, and they are roused only when some practical question in which they take an interest is touched practically, or when there is a practical effort made to dismount them from one of their hobbies.

Yet that we have had something to do, though not in the way alleged, in producing this excitement against Catholics in this country we are not disposed to deny. There are, if we may so speak, two Americas, Old and Young, conservative and radical. Old America, or Old Fogie America, is republican to the backbone, but a constitutional as distinguished from a democratic republican. It is the America of the constitution, of the political and social institutions adopted or founded by the colonists and fathers of our republic. It places the political sovereignty in the people collectively, existing as civil society, and acting according to constitutional rules, but subjects them to the empire of the laws, and recognizes their will as law only when consti-

tutionally expressed. It recognizes the state as the state, not as a mere association, dissoluble at the will of the members acting individually or outside of the body politic; and, though limiting the sphere of government, and guarding with all possible care against its arbitrary exercise of power, yet allows it to be imperative within its sphere, and arms it with full force to make itself obeyed, whoever or how many may attempt to resist it. It is the true, genuine, original, political America, whose constitution and principles we have so often and so fully set forth in our pages during the last eleven years.

By the side of this America has grown up another America, sometimes called Young America, a bastard America, which we have all along contended is not legitimately American, because not warranted by the constitution and institutions of the country, because not consonant to the real genius and habits of the real American people, and because as a matter of fact of foreign, not of American origin. This is what we call radical or ultra-democratic America, the America of the greater part of American electioneering documents, of American periodicals and newspapers, which is on the tongues of the greater part of us when we speculate, and which many natives and all foreigners, unless German radicals, take to be the real Simon Pure America. The real American political system, though remarkably simple in its operation, is exceedingly complex in its structure, and can be fully comprehended only by political heads of the first order, after years devoted to its study. Comparatively few of our own countrymen are able to seize its precise character and give a just account of it, and those who do are laughed at as Old Fogies,—a term, by the way, imported from Ireland, by a Young Irelander, and applied in the *Democratic Review* to such men as General Cass, the late Judge Woodbury, Mr. Buchanan, and to almost every man of mature age and distinguished services in the Republican or so-called Democratic party. The great majority of our journals and politicians speak of our institutions as purely democratic, and nearly all foreigners except, as we have just said, the German radicals. Democracy is a word we do not ourselves use when speaking of our institutions, because it does not accurately describe them; for it names one of the simple or absolute forms of government, and our government is not as to its form simple, but complex, and belongs to the order of mixed governments. But the simple forms of govern-

ment, as they have but a single idea, but a single principle, are much more easily understood than the complex forms. Any understanding can grasp the idea of a simple monarchy, where the will of one man is law, of a simple aristocracy, where the will of a particular class is law, and of a simple democracy, where the will of the whole people, or, practically considered, the will of the majority, is law. But all simple forms of government are governments of mere will, are absolute, arbitrary, and incompatible with freedom, are in reality despotisms; and hence our fathers, who loved liberty no less than they loved order, and were as anxious to secure the freedom of the subject as the power of the state, did not establish any one of the simple forms of government. They established, however, a government in which the democratic element preponderates. Hence all superficial politicians and demagogues at home, and nearly all foreigners, take that element to be exclusive, and consider whatever they find opposed to it as an anomaly to be reduced to the rule at the earliest possible moment. In consequence of this, Young America, which did not derive its political principles from the study of the American institutions, but from abroad, becomes identified with the European democracy, with French Jacobinism, and the universal red-republicanism or revolutionism of the Old World.

Now as Catholics and conservative Americans we accept and defend the old genuine republican America; but we can neither as Catholics nor as genuine Americans accept or defend the latter. We are obliged by our religion and by our Americanism to oppose the so-called Young America, and all the more earnestly in consequence of the influx of foreigners, who are sure to adopt on landing here its doctrines, because they are the simpler and more easily to be comprehended, because they are those they most frequently meet in American journals, because they correspond to their previous ideas of Americanism, and because, having felt the pressure of authority at home, they are predisposed to them. These foreigners, having adopted these doctrines, when naturalized naturally seek to carry them out in their practice, unless restrained by their religion, because they have not those interior republican habits which restrain in practice the exaggerations of the democratic theory. Men at home, and under institutions under which they have been formed, act from habit and routine, and, ordinarily, however they may speculate, in their practice

conform without even thinking of it to the established order of things; but when transplanted to another country, placed under a different order, they cannot do it; they get first the theory, and then study to conform their practice to it. They are like a man speaking a foreign tongue, which he has learned by the study of lexicon and grammar. His own mother tongue he speaks from habit, and it may be with correctness, though he has never learned its grammar. But the foreign tongue he speaks not from habit, and can speak it correctly only as he has learned it by study, and if he has had a grammar and lexicon that did not give him the correct rules of the language, he will be continually committing solecisms in his speech. Now the native American, no matter of what blood he was originally, trained up under our institutions, becomes a practical republican in the American sense, and will when it comes to practice, for the most part, act as an American in the true sense, though he speculates as a foreign radical, for in his practice he acts from American instincts, habit, routine, and he speculates according to a theory. Ordinarily, we have less fault to find with the political conduct than with the political speculations of natural-born American citizens, but the political conduct of the foreigner will be governed by his political theory. This explains what we said in our article as to foreigners not being republican in their habits and interior life. They lack, we said, practical republican training, and are apt to confound republicanism with democracy, and democracy with radicalism, and therefore we concluded that non-Catholic foreigners, *in whom religion does not supply, as in the Catholic immigrants generally, the lack of republican training*, are dangerous to American republicanism.

Now this Young America, radical America, identical with the European democracy, we have from the first opposed, both on national and religious grounds. We have opposed the party as un-Catholic, un-American, and anti-social. We have opposed it wherever we have encountered it, in our own country, in Ireland, in France, in Italy, in Germany, in Austria, in Hungary, in a Mazzini, a Kossuth, a Mitchell, or a Meagher, when leagued with the Turk, or when combining against Russia, in principle and detail, in theory and practice, in whatever shape or disguise we detected it, and brought to our opposition all the knowledge and experience acquired by twenty years of service as one of the members

and sometimes as one of the subordinate chiefs, of that very party. Here is our offence, and which has won us the character of "the best-abused man" in all America. We have been the foremost offender in this way of all American journalists. We commenced it in 1841, in *The Boston Quarterly Review*. We continued it more decidedly in the *Democratic Review* during the year 1843, and we have continued it on higher grounds, with clearer and more comprehensive views, during the eleven years that we have almost single-handed conducted our present journal, in our essays, in our orations, in our lectures, in our letters, in our conversations. We have done all that was in our power to detach our own countrymen, and especially our Catholic population, from the un-Catholic, anti-American, and anti-social party, and to enlist every Catholic principle, sentiment, and aspiration on the side of our American institutions, and against destructive radicalism. We have not been alone in this. The Catholic press has nobly sustained us and seconded our efforts, at least since the reaction against the youngsters commenced in Ireland and on the continent; nevertheless, ours was the first Catholic journal in the country, so far as our knowledge extends, that took this stand, and for some years we stood alone among our journals, without hearing one single fraternal voice saying, "God speed you, brother." Latterly, however, the view which we were the first Catholic journalist in our country to assert, has been generally avowed by the Catholic body, we have not the vanity or presumption to think in consequence of any humble services of ours, but because events have made it necessary and proper, and radicalism has met the church at every corner, opposing to it the eternal principles of truth and justice. Here, we apprehend, together with the things mentioned in our article, is the principal secret of the extraordinary excitement now raging against the Catholic body, an excitement that is fanned and kept alive chiefly by foreign radicals, and not least by Irish radicals, for the most part nominal Catholics, and to whom we personally owe nearly all the abuse we have received since our conversion, and whose obvious policy it is to prevent us from acquiring any influence with the Catholic, especially the Irish Catholic body, whom they regard as their stock in trade, and would keep up as a distinct and foreign body, to be worked for their especial benefit. The genuine Catholic sentiment has in this country ventured to assert itself, and to take its

stand, not on the side of Whig or Democrat as such, but on the side of Old against Young America, on the side of conservatism against radicalism, of genuine Americanism against the false and imported pretender who claims its honors; as it could not but do, when so many nominal Catholics, under pretext of exercising their acknowledged political liberty, were doing all in their power to destroy both religion and society. Hence the extraordinary excitement against the church, and the extraordinary efforts to drive Catholics into the arms of Young America, or to drive them out of the country.

Now it is this excitement, stirred up against us by the causes we have mentioned, and by the practical measures which the pastors of the church have found it advisable to take to save the children of the faithful from apostasy, of which the Know-nothings, pandering to the basest passions and the silliest prejudices of our countrymen, seek to avail themselves, and which they think will prove strong enough, with the aid from Exeter Hall, the Protestant Alliance, foreign demagogues, and that illustrious class of ill-instructed Catholics who hold political atheism, expressed in the popular maxim, "Religion has nothing to do with politics," and whom we call custom-house Catholics, to enable them to effect their hellish purposes. In this they are indirectly aided by large numbers of our countrymen, who, though non-Catholics, are not anti-Catholics in an active sense, but who, from the decided stand which the Catholic press has taken against radicalism, foreign movements, and domestic free-soil and fanatical and filibustering movements, in favor of authority, which we have ourselves sometimes appeared to push, as our friends will tell us, too far, and the fact that the church professes to teach with authority, and exact unhesitating obedience to her orders, conclude that Catholicity is hostile to republicanism, although she makes it a point of conscience in the Catholic to support it where, as with us, it is the legally established order; and also, from the fact that the great mass of Catholics here are of foreign birth and education, and that the noisiest portion of them, those who assume to be the leaders of the body, make a very unnecessary display of their foreignism, and talk largely of the numbers and power of the adopted citizens, conclude that practically it cannot coexist here compatibly with American nationality.

Now if our readers have paid any attention to what we

have written, they must have perceived that since Louis Napoleon's *coup d'état*, we have labored to remove the false impressions as to our love of liberty produced by our necessary war against revolutionism, and to show that we were equally the enemy of despotism. In accordance with the same thought, we have sought to defeat the Know-nothing movement by showing, what is strictly true, that Catholicity is not inconsistent with our nationality, and is in perfect accordance, not with wild Jacobinical democracy, but with genuine American republicanism. This has been our aim, our policy, if you will, and which should have been divined by our friends without forcing us in self-defence to explain it. Our end we have believed sacred, our means, we think, are just and honorable, and within the province of the lay editor, especially if writing with the sanction of his bishop or a theologian appointed by him. If, however, we have overstepped our bounds and trespassed on the province of the pastors of the church, it has been unwittingly and unintentionally, and we doubt not that we shall be pardoned at least by those who have considered it our grossest fault that we are in the habit of pushing the spiritual authority over the temporal too far.

As to the accusation brought against us of insulting the Irish Catholics, amongst whom are nearly all our friends and associations as a Catholic, we repel it with all the indignation and scorn compatible with Catholic meekness and humility. For the ten years since we became a Catholic we have labored as a writer and a lecturer with the honestest intentions, and with what ability God gave us, to serve the great body of Irish Catholics, in the only way in which we believed we could serve them. We have not appealed to their warm sensibilities as Irishmen; we have not bespattered them with praise; we have not addressed them as children who could not endure a rough, manly voice; we have addressed them as men, strong men, full-grown men, who could hear and applaud the plain truth honestly spoken. We shall continue to address them in the same manner, if we address them at all. We have aimed to be just and honorable to them, and have been grateful to them for their kindness to us as a Catholic. We have always respected their nationality, and have regretted and rebuked the Anglo-American prejudice against the Irish immigrants. We have wished them to stand and to be regarded as standing on a footing of perfect equality with natural-born American citi-

zens. But we have believed and we still believe that that result can be obtained only in proportion as they become nationalized, assimilated in some degree to the national type, and merged, so to speak, in the general population of the country. They can never, in our opinion, occupy their true position here, so long as they remain as a foreign colony, or distinctively Irish. We believe, let them strive as they will to the contrary, they will in time americanize, and become as to national character undistinguishable from the mass of our citizens, and therefore that they should give up all attempts to preserve here as it were an Irish organization, and to act, not as Americans, but Irishmen. We do not ask them to forget Ireland, for which and with which they and their fathers have suffered so much and so unjustly; we do not ask them to cease to love or to succor the friends and kindred they have left behind them; we do not ask them to disown their blood, to be ashamed of their national origin, or to give up their share in the traditions and past glories of the Irish race; but we do ask them not to regard this country as the land of their exile, but to look upon it as their new home, freely chosen, around which are to cluster the affections of their hearts, and with whose fortune, not with that of Ireland, are henceforth bound up their own fortunes, and those of their children and their children's children, and give to it what they owed to the home of their birth. As Catholics we ask them to americanize, and to suffer their children to americanize, without ceasing to be Catholics. The greater number of their children, let them do or say what they will, are sure to grow up substantially American, with the American interests and affections predominating over Irish interests and affections, and if they cannot with Catholicity they will without it.

These remarks have run to a greater length than we intended; but we have considered them necessary for a full explanation and defence of that Americanism which we have uniformly professed and advocated since we became a Catholic, and which has recently been so singularly misapprehended and so imprudently denounced by a portion of the Catholic press. They were due to that large class of our friends who have honestly mistaken our purposes, and really felt hurt at some things we have said, and whose friendship it would be a sore grief to us to forfeit. But we have done. If the Know-nothings try to use the denunciations with which we have been assailed as an argument against the

compatibility of Catholicity with our American nationality, or against the American intentions and devotedness of the great body of our really Catholic population, or even their truly American conduct, when not misled by demagogues, they will only justify their name of Know-nothings. As for ourselves, we have not forfeited the confidence of our Catholic friends, and we have no doubt that they will stand by us as they have heretofore stood by us. They are sound at the heart, and love and honor an independent editor, and will sustain him, though they may not accept every thing he says.

## ARTICLE II.

We consider ourselves bound, as a Catholic journal, encouraged and supported by the bishops and clergy for our devotion to the interests of Catholicity, to abstain, as a general rule, from all intermeddling with party politics. We do not think it fair or honorable to use the influence we may acquire among Catholics, as a religious journalist, against or in favor of any political party. We have no right to commit, or to try to commit, the bishops and clergy who support us to one party or another. They in their official capacity do not enter into the political conflicts of the day, and tell the people of their charge with what party they must or must not vote, in order to discharge their duties as Catholics. We have had good opportunities of knowing their views on this subject, and we do them only simple justice when we say that they wish to keep the church and Catholic interests in the country free from the passions, conflicts, and interests of political parties.

Believing such to be the policy of the ecclesiastical authority, and believing it the only wise or prudent policy for Catholics in this country, we have always set our faces against the formation of a Catholic party in politics, and studied to make it manifest, as far as our *Review* could be regarded as an organ of the Catholic body, that Catholics are as free as any other class of citizens to belong to which of the great parties of the country they see proper, and that it is no more nor less a mark of Catholicity to support the Democratic party than the Whig, or the Whig than the Democratic. We have felt ourselves at liberty to discuss the great principles of government and administration, to treat of the *morality* or the philosophy of politics, but not to take sides for or against any party, which recognized loy-

alty to the constitution as a duty. In this the recognized organs of the Catholic body have, with scarcely an exception, fully agreed with us. No Catholic journal, recognized officially as an episcopal organ, has suffered itself to be a partisan journal; and we may say that it is and has been the settled policy of the church in America, and of all who in any way may be regarded as expressing her views and wishes, to keep Catholic interests independent of the conflicts of political parties, and to leave all Catholics in their quality of citizens free, saving loyalty to the constitution, to vote for such party as they in their conscientious convictions think best. As a matter of fact, though the majority of foreign-born Catholics, for reasons very distinct from their Catholicity, have usually voted the Republican or Democratic ticket, Catholics, like other citizens, have always been more or less divided in their political preferences.

In Ireland, and some countries on the continent, we have seen a Catholic party in politics; but there have been reasons for such a party there which have not existed with us. There Catholicity has been connected in some way with the state, either as the object of its patronage or of its hostility, and Catholics have been obliged to enter the arena of politics, not as citizens only, but as Catholics, in order to defend the freedom and independence of their church, to repeal or prevent the passage of persecuting statutes, and to defend or to obtain equal civil rights with non-Catholics. Such was the case in the struggle for Catholic emancipation in Great Britain and Ireland; such was the case in the long struggle in France for the freedom of Catholic education, and such will always be the case where the government undertakes to legislate in reference to Catholic interests, either for or against them. But in this country the government professes to let the church alone, and not to legislate on religion at all. So long as it does let the church alone, and leaves her in her own sphere, and in regard to her own children, free to follow her own constitution and laws, and protects Catholics in their equal rights, as men and citizens, there is and can be no justification of a Catholic party in politics. To attempt to make it a Catholic duty to support one party and oppose another, would be little less than madness, for it would make, not unreasonably, bitter enemies of the party opposed, without securing the friendship of the party supported. Besides, it would be a sort of secularizing of the church.

Undoubtedly, there have been journals circulating chiefly amongst Catholics, and regarded as Catholic by outsiders, and demagogues enough, nominally Catholic perhaps, that have talked in a boastful way of a Catholic party and the great things it would do, and have endeavored to make use of the influence they exerted to commit the Catholic body as such, and to turn over the so-called "Catholic vote" to one party or another. There has been, no doubt, too much of this, and Catholics and Catholic interests are suffering not a little from it. But the church is not responsible for it, for she never inspired it, and they who have done it have acted without her authority and against her wishes. Her wish is to pursue her spiritual mission in peace, and keep aloof from politics, so long as they leave her the opportunity. Even in Ireland, where the clergy have been obliged, in order to protect their flocks, to assume, in some measure, the position of political leaders, we see, as things settle down into a less abnormal state, a decided disposition manifested by the hierarchy to withdraw Catholic interests as far as possible from the action of political parties, and thus render them independent of party successes or party failures.

But this wise, just, and prudent policy, which needs only to be stated in order to be approved by every sensible man, is threatened to be disturbed by the new party that has recently sprung up, under the pretence, wholly unfounded, that the Catholic Church has entered the field of politics, and is laboring to control the politics of the country. The Know-nothings are endeavoring to make the Catholic question a political question, to be decided by the action of political parties. Unhappily, we cannot deny that a few custom-house Catholics, that is, Catholics who are so only in name, or in the hopes of using Catholicity to help them into some petty office, and some journals that look upon the Catholic body as their stock in trade, have said some foolish things, and done what they could to make the appointing power believe that there is a "Catholic vote," and that they command it; but these do not represent the church, and have not, as non-Catholic politicians sometimes imagine, the confidence of the Catholic community. They are so little considered by us that we have not, perhaps, taken sufficient pains to disavow them. But in spite of all these may say or do, we repeat it, the church has not in this country entered at all into the field of secular politics, and has in no instance instructed her children as to the

party they should or should not vote for. Catholic citizens are citizens as much as any other class of citizens, and have the right to vote according to their political preferences. If they have been more subjected to the influence of leaders than others,—a fact which we do not concede,—it has not been by their clergy, nor by appeals to their Catholicity. As a body, whether foreign-born or native-born, they are without exception the most conscientious and independent class of voters in the country. Nevertheless, the Know-nothings, seizing upon a few isolated facts, which prove nothing against the church, will have it that she interferes in our elections, and is seeking, by Catholic votes cast under priestly dictation, to get control of the civil power, and massacre all the Protestants and non-Catholics, reduce them to slavery, or compel them at the point of the bayonet to embrace the Catholic faith. They abound in frightful stories about "secret conclaves," "popish plots," and "papal conspiracies"; and some men, who ought to know enough to laugh at such things, really run away with a notion that our liberties are in danger, and that our republican institutions are all doomed! Poor men! they never stop to think that liberty is as dear to us as it is to them, and that we cannot destroy the republican institutions of the country without involving ourselves in the same ruin that we should bring upon our non-Catholic fellow-citizens. But the panic is produced, people are alarmed out of their propriety by the "rapid spread of popery," "the growing influence of Rome," and the Know-nothings, taking advantage of the excitement which they themselves have fanned, appear resolved to force our religion into politics, and to make it a direct subject of legislation. Let them turn, or attempt to turn, the government against us, and, as little as they know, they must see that they bring Catholic interests into party politics, and force us, if we vote at all, to vote in reference to our own interests as Catholics, and compel the church, in defence of her own freedom and independence, to do the precise thing they so falsely accuse her of having done.

We regard this as a most grave objection to the Know-nothing movement. It brings into our politics the very elements which, by recognizing the equal rights of all professedly Christian denominations, and granting special favors to none, it was the intention of our statesmen to exclude from them. The American principle is to leave relig-

ion to itself, and each religious community to the voluntary support of its own members, and free to follow with regard to them its own laws and discipline. The intention was to leave to the state, or the members of each religious denomination in their quality of citizens, in which all were equal, only secular affairs to deal with. All being free in their religion, and having all their religious rights protected, it was hoped the citizens might discharge their civil duties, and exercise their civil rights, without introducing into party politics their religious differences. Whether this truly American policy is, abstractly considered, the most desirable or not, it obviously is the only practicable policy in a country like ours, cut up as it is into a multitude of religious sects and denominations. The only sensible rule is either to exclude all religions but one, or to recognize the equal rights of all, and to grant them all equal protection, as involved in the protection of their equal rights as citizens. The former was wholly out of the question with us, and not to be thought of. The latter was the rule adopted, and is the American policy. No class of persons in the country has more cheerfully accepted this policy, or more scrupulously conformed to it than Catholics. It is this policy that the new party, if we understand it, proposes to subvert. It proposes to make religion an affair of state, and the religious differences of American citizens an element in our party contests. In this it is not only not American, but anti-American.

But we are told that the movement is not directed against Catholics as Catholics, but as foreigners. The aim is, that "Americans shall govern America." Why then introduce Catholics at all? All foreigners are not Catholics, nor are all Catholics foreigners. If Catholics are not to be opposed in their quality of Catholics, or their rights and privileges affected on account of their being Catholics, there is no occasion for dragging them into the discussion, and the declamations against them are not *ad rem*. The majority of persons migrating hither since 1852 are non-Catholics. The emigration from Ireland has fallen off greatly, and instead of being two thirds of the whole immigration, as it was a few years ago, is now not one third. Its proportion will continue to be less and less every year. The great body of the emigration is now from Germany, and three fourths of the German emigrants are non-Catholics. If the movement is simply against foreigners, it must be against

non-Catholic as well as Catholic foreigners. Why then is it necessary to attack Catholics as such? Catholics, whether native-born or foreign-born, are as much disposed to maintain the rule that "Americans shall govern America" as non-Catholics are, and perhaps even more so. Indeed, Americans do govern and have governed America, ever since the war of independence. Foreigners, when naturalized, and it is only when naturalized that they can vote, are American citizens, placed before the constitution and laws on a footing of perfect equality with native-born citizens, and are therefore, in all that relates to governing, Americans, as much so as if they had been born on the soil. If the object is to alter the naturalization laws, and to require a longer residence in the foreigner before admitting him to the rights of citizenship, there is still no need of bringing Catholicity into the discussion. Catholics did not make the present naturalization laws, and are no more interested in sustaining them than any other class of citizens. The country passed them, and if it sees proper to alter them, it can do so. Catholics as citizens may or may not oppose it; but unless they are to be altered to the prejudice of Catholic immigrants alone, they will take no part in the discussion as Catholics. They will enter the lists as Catholics only in case there is an attempt at exclusive legislation, either in form or in fact, against them; and if they do so, then the party advocating it, not they, will be accountable for bringing Catholicity into the field of politics.

But we are told that, though Catholics are not opposed precisely on account of their religion, yet the movement is against them because by their religion they render themselves foreigners. But this is a distinction where there is no difference. If we are foreigners by virtue of our religion, and it is only because we are Catholics that we are opposed as foreigners, it is idle to pretend that we are not opposed on account of our religion, for it is precisely on that account and no other that we are opposed. The pretence is not true. We are ourselves Catholic, unworthy of the name if you will, yet Catholic we are, and as much so as any man in the country. Nevertheless, we are American, and have proved it, as all must confess, in our articles on *The Native Americans* and *Know-nothings*. In them we have proved that we are American in feeling and affection, and prepared to risk all our worldly interest in defending

true Americanism against every species of foreignism. Did we not call down upon our heads the wrath of every foreign organ in the country, and receive some severe rebukes from a considerable number of our foreign-born Catholic brethren? Since the storm that was excited against us last year, let no one dare accuse us of not being an American. We love our country, and no man in the Know-nothing ranks has dared as much or made as heavy sacrifices for it as we have, whether wisely and needfully or not. We can show as long a line of American ancestry as any man in New England. We are American by descent, by birth, by residence, by education, by habits and manners, by sentiments and affections, and by the constitution and laws. We are American in every sense in which any man can be an American. Do you mean, then, to tell us that, in becoming a Catholic, we have forfeited or renounced our Americanism? We deny it. By the American constitution and law we are as free to be a Catholic as you are to be a Methodist or a Baptist. There is no law in the country, no *lex scripta* or *lex non scripta*, that makes it obligatory on an American citizen to be a non-Catholic, or that declares becoming a Catholic a forfeiture or a renunciation of citizenship. Do not, then, undertake to obfuscate the popular mind on the subject. Say out openly that you intend to proscribe the Catholic religion, to place it under the ban of the law, and establish non-Catholicity as the legal religion of the country. Say out to the world that the profession of Catholicity in America is hereafter to be forbidden under pain of losing the rights of American citizenship and American nationality. But then boast no more of equal rights, talk no more of founding your government on the rights of man, or of religious liberty.

But "you are Papists, and owe allegiance to a foreign potentate, are subjects of a foreign sovereign, and therefore cannot be American citizens." Know-nothings, indeed you are, if you believe that. Where have you lived that you have not learned to reject this silly pretence, got up by England in those days when she wished to persecute Catholics without incurring the odium of persecution? England persecuted Catholics for years, massacred them, hung them, exiled or imprisoned them, fined them, or confiscated their goods, solely, as everybody knows, because they were Catholics; yet, as she pretended, not on account of religion, but of politics,—because, acknowledging the authority of the

pope, they could not be loyal subjects to the British crown. It was a vain pretext in England, but it had a certain plausibility there that it has not and cannot have here. Catholic England had a two-fold relation to the pope, that of a Catholic people and that of a fief of the Holy See. The pope was not only the spiritual head of the church in England, as elsewhere, but he was also the feudal sovereign of the English state, lord paramount in the temporal order; and when the crown became Protestant, it reverted to the Holy See as a forfeited or lapsed fief. It is true, the suzerainty was not always acknowledged; it is true, that after the reformation no claim to it was made by the pope; but it was easy for English statesmen to confound in the minds of the public the papal rights dependent on the feudal relations of England to the Holy See, and his rights as simply spiritual chief of the church. But here no such relations have ever existed. This country has never been a fief of the Holy See, and the pope has no feudal claims over it. His authority over Catholics in this country is simply his authority as spiritual head of the church,—an authority in an order above the state, and distinct from it. Obedience to it, therefore, can never conflict with any obedience due to the state.

The new party professes to be American, and the whole of its argumentation to prove that Catholics cannot be Americans proceeds on the assumption that Americanism consists essentially in holding American principles. Now any one who will take the trouble to examine our American system will find that one of its characteristic features is the disclaiming on the part of the state of all authority in the spiritual order, or the recognition of the perfect freedom and independence of religion. The state here does not *tolerate* all religions, for the power to tolerate implies the power to suppress; but it recognizes the equal rights of all religions. Those rights are not grants from the state, they are recognized by it as independent of it, and sacred to it. It does not confer them, it respects and protects them. In acknowledging the equal rights of all religions, the American system acknowledges that the state has no authority in spirituals, and therefore in religious matters has no claim to the obedience or allegiance of any of its subjects or citizens. Hence, as the pope has only authority over Catholics in the spiritual order, no obedience he can exact of them, or which they owe him, can ever conflict with any obedience which

the state with us even claims as its due. The party, then, in pretending that the obedience we owe as Catholics to the spiritual chief of the church is incompatible with our duty as American citizens to the state, not only strike at the root of all religious liberty, but they make war on Americanism itself, and are on their own principles an anti-American party.

This is clear enough to any one of ordinary capacity who will take time to think, and not suffer himself to be imposed upon by the idle declamation and false assertions of anti-popery lecturers and journals. A friend in Raleigh, North Carolina, sends us the following slip from a newspaper:—

"If the pope directed the Roman Catholics of this country to overthrow the constitution, to sell the nationality of the country as a sovereign state, and annex it as a dependent province to Napoleon the Little's crown, they would be bound to obey.—*Brownson's Review, by authority of the Archbishop of Boston, Mass.*"

We suppose there are people in the country, not under guardianship, who can believe, not only that we wrote this, but that such is the real doctrine of the church. Now we never wrote one word of it, nor any thing from which it can be logically inferred. We suppose we go as far in asserting the papal power as any Catholic in the world, but we hold no such doctrine as is here ascribed to us. We believe the pope is the divinely appointed judge of the law of God for all Catholics, but not the temporal ruler of states. The constitution of the United States is not repugnant to the law of God, and is one which the people of the United States under that law had a perfect right to establish, and therefore the pope has and can have no right to command its overthrow. It is idle to speculate what Catholics would be bound to do, in case he should command it, because every Catholic knows that he never can command it. As for annexing our country to the crown of Napoleon the Little, or Napoleon the Big, it is sufficient to add, that "when the sky falls, we shall catch larks." The papal power lies in the spiritual order, and if he can interfere in temporal matters at all, it is only in the respect in which they are spiritual, and then not for the destruction, but for the protection, of the rights of individuals and nations.

But all this is gratuitous. The power we recognize in the pope, as regards us, be it more or less, is simply spirit-

ual, and whatever obedience we owe him, we owe to him as the spiritual chief of a spiritual society, or, in one word, as the vicar of Jesus Christ. Both the power and the obedience are essential to our religion as Catholics, on which we can allow no secular authority or political party to interrogate us. Our religion, be it what it may, is no affair of the state. It is a matter of conscience, between us and God, and to him alone are we answerable for it. If we break the peace, offend *contra bonos mores*, commit crimes against the state, or fail in any of our civil duties, spare us not, but punish us as you do any other class of citizens. We ask no special exemption, or special favor. We acknowledge our obligation to demean ourselves as good citizens; we hold ourselves amenable to the laws, and maintain the right of the state to punish us for any civil offences of which we may be guilty. But there we stop, and there you must stop. You have no right to go beyond, for that we conduct ourselves as good and loyal citizens is all that the state or society has a right to exact of us. All beyond is of the domain of conscience, where the civil power, or secular society, has not the faintest shadow of a right to penetrate. The whole question, then, narrows itself down to this, are we, holding ourselves as other citizens amenable to the laws for all civil or social matters, free, in this country, to be Catholics, or are we not? That we are by the constitution and laws as they stand, is undeniable. Are we to remain so? If not, the new party are simply, whatever their pretensions or their circumlocutions, warring against religious liberty, and endeavoring to make this hitherto land of equal rights a land of no-rights to Catholics.

Have the so-called American party weighed well the principle they adopt? The same principle that disfranchises us may to-morrow disfranchise the Unitarian, the Universalist, the Quaker, the Congregationalist, the Presbyterian, the Episcopalian, the Baptist, and make the Methodist or the Mormon religion the only religion that can be professed by an American citizen. Once begin to discriminate between religions, and where will you stop? Have the Know-nothings considered the gross inconsistency they are guilty of in calling themselves the "American party," while they are warring against American principles, and in fact the characteristic feature of the American system, that of leaving all religions free? Have they considered—Protestants as they are, and embodying a goodly portion of

Methodist and other Protestant ministers—what an admirable commentary they are furnishing us on the claim set up by Protestants to be the party of religious liberty,—a claim which never had any foundation but the vehemence and impudence with which it was asserted? The only things which would even seem to give a little plausibility to this claim were the religious liberty recognized by our American government, and the Catholic relief bill, passed by the British parliament in 1829. The recent ecclesiastical titles bill has taken away the credit of the latter, and the Know-nothing movement to disfranchise Catholics must of course take away that of the former. Do not the Know-nothings see that they are doing precisely the thing required to give the lie to the liberal professions of Protestants, and to confirm all that we have ever said of the intolerant and persecuting nature of Protestantism? Where is Protestant devotion to religious liberty, when it denies the freedom of Catholicity, denies the freedom of the Catholic conscience, and enacts that the American who becomes a Catholic shall lose his rights as an American citizen.

These Know-nothings — we speak here simply as an American citizen—are bringing discredit on our American institutions, and playing into the hands of foreign despots. The American boast is that our institutions are based on natural as distinguished from historical right, on the rights of man as distinguished from the rights of castes, orders, or classes, and that they recognize and guaranty the equal rights of all. This is our proud boast in the face of the despotisms, aristocracies, distinctions, and privileges of the Old World. As a necessary consequence of this doctrine of equal rights, we have recognized the equality of all religions, the equal rights of all denominations before the state. It is not by virtue of any positive law, nor by virtue of any recognition of our religion by the state, that it has hitherto been free in this country, but by virtue of the equal rights of all American citizens, coincident, it is claimed, with the equal rights of all men. The state, abstaining from legislating for or against any religion, leaves the religion of its subjects, so far as she is concerned, to their own voluntary choice. The freedom of our religion does not rest on the action of the state, but on the equal rights of all men, which it asserts, and for Americans pledges itself to protect. Now to disfranchise Catholics, or to debar Catholics from citizenship, is the denial of the doctrine of equal rights, which is

adopted as the very basis of our institutions, and violates the essential principle of American democracy. It is to recognize in one class of men rights which are denied to another, and to create of non-Catholics a privileged class, a political aristocracy. We commend this to the attention of those members of the new party who claim to be Democrats. What they are doing will not do to tell in aristocratic England, imperial France, or despotic Russia. It will not do, in the face of the enemies of our republic in Europe, seeking every opportunity to bring our institutions into disrepute and to cover the American character with odium or contempt, for the party to war against equal rights, and still call itself "*the* American party." The Philistines would rejoice, and the daughters of the uncircumcised triumph.

Thus far we have considered the party as a party opposed to Catholicity, and proposing to exclude Catholics from the rights of American citizens. As such it is undeniably anti-American, and hostile to both civil and religious liberty. Not precisely the same is to be said against it, regarding it simply as a party opposed to the naturalization of foreigners. The nation is undoubtedly competent to say whether it will or will not admit foreigners into the bosom of its civil and political society; and if it determines to admit them, it belongs to it to prescribe the conditions on which it will do it. So much is unquestionable. But it is bound to keep good faith with all men, and it has no right to deprive any already naturalized of their equal rights of citizenship, and no right to alter its naturalization laws so as to render it more difficult for those who have already come here, intending to avail themselves of them, to become naturalized. With these restrictions the country has certainly the abstract right* to modify or repeal its naturalization laws, and there is, no doubt, a very general feeling in the country that it ought to do so. We enter here into no discussion of the subject, for we have heretofore given our views of it at length, and it does not specially interest

* We beg our readers to observe that we say *right*, not *duty*, for strange as it may seem, we have encountered a number of persons who think that to say one has the *right* to do a thing is the same as to assert that it is his duty to do it. A man is not always bound to do what he has a right to do. He has the right to redress a wrong done him by a fellow-man, but he is not obliged to do so, and has the right, if he sees proper, to forgive him.

us as Catholics. It is not in itself a Catholic question. It affects us as an American citizen, as it does all other American citizens, but not as a Catholic, or, if so, only accidentally and temporally.

But we must say, and nobody will suspect us of undue foreign sympathies, that this outcry against foreigners is a little ill-timed, and not at all justifiable. It has been from the beginning the policy of this country to invite immigration from abroad. One of the things set forth by the congress of 1776, in justification of the declaration of independence, was, that the King of Great Britain had "endeavored to prevent the population of these states, for that purpose *obstructing the laws for the naturalization of foreigners*, refusing to pass others to encourage their migration hither, and raising the conditions of new appropriations of lands." The laws have been so framed as to attract foreign settlers. Our foreign population may tell us with truth, that, if they have come here, it has been on our invitation, and if they have had facilities for speedily becoming naturalized, these facilities have been granted by us as inducements to bring them hither. If they have come in larger numbers than we expected, or even of a different class from what we desired, we must not blame them, for our invitation was to all, and without specification of class. If the laws have been too easy, and their administration too lax, we must remember that we, not the foreigners, have enacted and administered them. If the foreigners have not always conducted themselves to suit us, we have no right to complain, for it was one of the risks we ran. The promise on our part was to admit them, with a single exception, on a footing of perfect equality with natural-born citizens. When once naturalized, their rights are equal, and they are no more bound to consult our tastes, habits, sentiments, or pleasure, than we are bound to consult theirs. Whether under this head they have always been prudent, is a question on which our views are well known; but it is certain that, being our equals, they owed no more to us than we owed to them. It is wrong now to blame them for doing what we have expressly encouraged them to do, and given them the right to do. Having attracted them hither by the advantages we offered them, and placed them on a legal footing of equality with natural-born citizens, we have no right now to blame them for coming, to endeavor to treat them as inferiors, or to complain of them for doing what we

claim for ourselves the liberty of doing. We are in fact unjust to them. The whole movement against them, though not unnatural, lacks justice to them and is dishonorable to us. Whatever is lawful for us is lawful for them, and we turn the equal rights we accord them into a bitter mockery, if we practically deny it.

That foreign-born citizens, coming from the same country, would naturally associate together, and form a foreign party,—an Irish party, a French party, or a German party, and vote as such in our elections, was to be expected, and must have been foreseen. It was one of the risks we ran, and one of the disadvantages that it must have been decided to put up with for the sake of the advantages we hoped to reap from the migration hither. Men are drawn together by their sympathies, and settlers from the same country have naturally more sympathy with one another than they have with the inhabitants of the new country in which they are settled. Here is the foundation of that clannishness which we complain of in our foreign-born citizens. Americans naturalized in Great Britain, in France, or in Germany would be equally clannish. That these foreign settlers should retain a lively affection for the land of their birth, and take a deep interest in its affairs, long after having become naturalized, is in the natural course of things. How long did the English colonists regard the mother country as their home, and speak of going to England as of going home? It required all the provocations which led to the war of independence, and all the sufferings, passions, and calamities of that war, to wean our affections from the mother country, and make us feel towards her as towards a foreign nation. Indeed, we hardly feel so even yet. When we meet an Englishman, we do not feel that we meet a foreigner, and when we set foot in England, and hear the familiar sounds of our own mother tongue, we can hardly persuade ourselves that we are not still at home, in the bosom of our own kindred and friends. How much stronger must be the sympathy that binds together settlers from the same country in a foreign land. The emigrant has left the home of his childhood, broken up old associations, and left behind him the scenes dearest to his heart. He finds himself in a strange land. A strange sky bends over him, an unfamiliar sun shines upon him, and unfamiliar stars look down upon him. Strange scenes, strange faces, meet his glance; strange sounds grate on his ear; and all conspires to make him

feel that he is a stranger. The lower the class from which he comes, and the less literary or scientific culture he has received, and the fewer resources he has in himself, the more deeply must he feel his distance from home, and his loneliness. Think it not strange, then, that his heart gushes up into his throat and eyes, when he meets an old countryman, who speaks in the old, familiar tones, and talks to him of that dear old fatherland, all the dearer for his absence and distance from it. Here is reason enough for the disposition of foreign settlers from the same country to congregate together, and form a foreign party. All this is natural, and must have been taken into the account, when the naturalization laws were framed. We may well complain of naturalized citizens, if they set at work deliberately to form such a party, or labor to keep alive their foreignism, or try to prevent the foreign from coalescing with the native population; but we must not blame them for what grows naturally out of their position, and what in itself is only creditable to their hearts.

Indeed, we ought not to forget that, if the immigrants sometimes try us, we also sometimes try them. They do not find all their expectations realized; and the hardships they must endure under the most favorable circumstances are such as brave spirits might recoil from without disgrace. Let any one look at the poor emigrants as landed on our wharves, crowded into the wretched emigrant cars, and hurried away as so many cattle to the place of their destination, with not a sympathizing look, not a kind tone to greet them, unless they are so happy as to meet a countryman, and who, if he has been here long, is so changed that they can hardly own him, and he will not envy them the few advantages we give them. When we have seen in a western town a poor woman from Ireland or Germany, with one or two *children* nestling around her, sitting on the wharf or in the station-house, waiting for a steamboat or car to carry her further on, and think with what flushed hopes she left the old country, and how wearied, disappointed, and desolate she now feels, we wonder how her strength can hold out, or her reason maintain its throne. The heedlessness, cruelty, and contempt with which the poor creatures are treated makes our blood boil with indignation at our own countrymen. No one seems to think that they have human feelings, or that life is precious to them. It was our lot recently to be on a train of cars which came in collision

with a gravel train, and caused, perhaps, the most serious destruction of human life that has been caused by a collision on any railroad. The greater part of the persons killed and wounded were second-class passengers. The papers in giving an account of them called them *emigrants*. Persons who chanced to inquire of us concerning the particulars, to our statement of the horrors of the scene and the numbers of killed and wounded uniformly added, "But they were emigrants," in a tone and manner that seemed to say, "It is no matter, we need n't care for them." This feeling, we are sorry to say, is almost universal among our countrymen, and we confess ourselves shocked at this culpable indifference. These poor emigrants had fathers and mothers, sisters and brothers, as well as we, and as warm hearts in their own country loved them as loved us, and as dear friends were grieved at their death as will be at ours. Life was as much to them as to us, and as tender ties were broken by their sudden death,—we might, in the case to which we refer, almost say *murder*,—as would be by the death of those who look upon them with such extreme indifference. A man is run over. "O, it is only an Irishman." A man has fallen from a house and broken his back. He is a foreigner, and we "pass to the order of the day." Need we be surprised if the immigrants do not fall in love with us,—if they do not readily fraternize with us? Love begets love, but hatred or contempt, cruelty or indifference, does not. It is a proof of the good temper and forgiving disposition of the poorer class of immigrants, that they are not more bitter towards us, and that they are, after all, disposed to become Americans. That the foreign immigrants are faultless we do not pretend, and our readers know that we have spared them no more than we spare our own countrymen. They have done, no doubt, many unwise things, many imprudent things, and some of them have done many wrong things; but justice compels us to say, that their account against us more than offsets ours against them, and whatever we may think of the policy of the naturalization laws as they stand, we have much to reproach ourselves with in our manner of treating them, and have no right to raise an outcry against them as a body, or on the ground of their being foreign-born.

It will not do, moreover, to forget that immigration has served to enrich the country, and to enable us to develop its resources. We are not disposed to concede that we owe

all to foreign immigrants, or to acknowledge that all the genius, talent, skill, and bravery of the country have been imported from abroad. Some foolish scribblers and babblers have vented in this respect a good deal of irritating nonsense, which has provoked no small portion of the hostility now raging against foreigners as such. The American people are not wise enough or meek enough to be told that they are simply nobodies, without showing a little resentment. But it cannot be denied, and ought not to be disguised, that we owe much to the skill, the industry, and the labor of the foreign-born population. They have added probably six millions to our population, and we dare not say how many hundreds of millions of dollars to our wealth. Without them we could not have become the great manufacturing people we are, dug our canals, or built our railroads. Without them to supply the demand for labor and to fill the vacuum left by internal emigration, Michigan, Wisconsin, Iowa, and perhaps Illinois, to say nothing of Texas and California, now great and flourishing states, would have remained unsettled, mere hunting-grounds for the native Indians. These things must be taken into the account in deciding whether our naturalization policy is to be changed or not.

Many of the immigrant population are poor, but poverty is not a crime, and without a similar population who would be our servants, our domestics, our porters, our carriers, our scavengers? Who would do our dirty or disagreeable work? If you have not a foreign population to do it, you must have a native population. They who work at the base of society always are and must be poor, but they are none the less necessary than they who work at the summit, and are no more to be despised. Americans may make good masters, but they make bad servants, and were it not for the supply of servants sent us by Ireland and Germany, we should be obliged to resort to negro slavery, and there would not be a free state in the Union. "But the foreigners introduce vice and crime amongst us." That all foreigners are not saints, we readily agree, that there is a rapid growth of vice and crime in the country, we concede; but it must also be conceded that the natives are not all immaculate. Swartwout, Schuyler, Crane, Gardiner, and some others we could name, we believe were to "the manner born." If we exclude the criminals who fled here as such, or were sent here by their respective governments, making of our

country a penal colony, the foreign-born population, taking into consideration their position, the trials they have, the sorrows which afflict them, the disappointments and regrets which sadden them, and the peculiar temptations which assail them, are really less vicious and criminal than the native population, and by far the most moral class in the country. The only reason why an impression to the contrary is entertained is that their vices are not precisely ours, and being different, they strike our attention more forcibly than those of our own countrymen. An impartial observer, considering the immigrants when they arrive, and comparing them with our own countrymen, and with what a large mass of them become after several years of residence here, will come to the conclusion, that the populations of the countries from which they have emigrated are far more moral than the American, have a higher moral standard, and act from deeper and more abiding moral principles. Yet we deny not that there are in the later immigration, especially since the revolutions of 1848, elements that bode no good to the country, for they are elements of which we had in our own national character too much.

Thus far we have thought proper to consider the party as an American party opposed to the naturalization of foreigners. It may be that our naturalization laws are too liberal, and need amending; but this is not the fault of foreigners, and we ought to be on our guard against running to an opposite extreme. There is no cause for wrath or bitterness against foreigners, and if we allow passion to rage, and undertake to legislate against them under its influence, we shall certainly be guilty of injustice. We have long foreseen the crisis that was coming, and have done what we could to soften it; now that it has come, we entreat our countrymen to be calm and dignified, cool and deliberate, just and honorable, as becomes a great people.

Looking at the party from another point of view, we confess that, even if its objects were legitimate and such as we approved, we could not as an American republican or as an honest man give it our support. It is a secret political society, and as such is opposed to the spirit of American republicanism, which demands open avowals and free public discussions. It is hostile to individual freedom, for it demands absolute obedience on the part of its members to their chiefs, who are more despotic in their sphere than any crowned head in Europe. It works in the dark, like the

secret council of Venice, and is restrained by none of the checks of publicity. It is immoral, because in its very oath it makes falsehood obligatory on every one of its members. Whence comes the name of the party, Know-nothings? It comes from the answer, I know nothing, which one swears to give to every question put to him concerning the order. The member swears to lie, binds himself to falsehood upon falsehood. Now, the very initiation must vitiate the moral purity of the member, and tend to destroy what little of moral principle we have remaining in the community. It takes a dishonorable advantage of its opponents. It knows who they are, and what are their purposes, but meanly skulks behind the impenetrable veil of secrecy, and refuses to avow its purposes, or let it be known who are its members. These and a hundred other similar objections should induce honest and sober men to reflect on its character and tendency, and, if they have entered it without consideration, to withdraw from it as speedily as possible. There are no legitimate political objects in this country, where the people are supreme, that require a secret, subterranean organization, or that cannot be obtained openly, in a straightforward and manly way.

As to ourselves as Catholics, we have to meet the movement as well as we can. If reason and justice were likely to avail any thing, there would be no ground of apprehension. How powerful is the organization, what are its real purposes, or what are its chances of retaining the ground it gains, we cannot say. That its purposes are hostile to Catholics, especially Irish Catholics, we cannot doubt; whether it will effect any thing serious against them is not so certain. However this may be, as Catholics we recognize no distinction of race or nation amongst us, and we are and will be one body, and share together whatever may be intended against any portion of us. There will be here no division amongst us, and as fares the foreign-born Catholic, so must and will fare the native-born. The lot of the one is the lot of the other, and in the hour of trial we trust there will be no desertion of one another, and the blow struck at any member of the Catholic body as a Catholic will be felt by the whole body and by every member. What we had to say of foreignism we said when it seemed not too late to produce some effect; but the movement has gone on, and we have as little wish as power to separate ourselves from the lot of our brethren, whether native-born or foreign-born.

We are embarked in the same ship, and none of us will leave it. We must all stand by one another, and share each other's weal or woe.

Yet have we no cause to fear. The enemy can go no further than permitted, and cannot so much as touch a hair of our heads without the permission of our heavenly Father. Persecution there may be, chastisement there may be, but we have no fears that the church will be uprooted here. We have no belief that God has wholly abandoned this nation. Indeed, we see in these hostile movements against us signs of encouragement. Let us be prudent, and give no occasion to the enemy, and he will not be able to harm us. His power will be broken after a brief while, and a bright day will dawn for Catholicity in this New World.

## ARTICLE III.

At the late meeting of the delegates of the Know-nothing party in their national council in Philadelphia, there occurred an apparent split in the secret order on the question of slavery. As the order agrees to play the game of being pro-slavery at the South and anti-slavery at the North, we feel less decided as to its failure as a political party in the country. We look upon the protest and apparent separation of the northern Know-nothings as a mere *ruse*, designed solely to secure sectional votes. We do not believe that there is any real division in the order, or that there has been any real modification of its principles, and perhaps it has never been more formidable than at the present moment.

Massachusetts had rendered herself so odious to the South by her Know-nothing legislation, especially on the slavery question, that it was idle for the party to go into the canvass in any southern or southwestern state without having ostensibly disowned all fellowship with her. The council felt it necessary, to enable the party to assume a national character in some states and a sectional character in others. Hence we regard the protest and withdrawal of the northern members as mutually concerted, and done to enable the order to have some chance of securing the votes of the southern and national Whigs. But there is, in our opinion, no real breach between the two sections of the organization. The northern anti-Nebraska Know-nothings and the southern and western Nebraska Know-nothings stand, we have no doubt, equally well in the order; and if the order puts

up a national ticket, both will be found voting in loving harmony for the same candidates, whether those candidates are Nebraska or anti-Nebraska. We therefore believe our Massachusetts Know-nothings are in as good standing in the order as any others. Of course, this is only an opinion; but we think the public will by no means find it an idle opinion.

The Know-nothing party originated we know not when, where, or by whom, but we have little doubt that its organization has been favored and supported principally by that section of the Whig party, who, after their terrible defeat in the election of General Pierce, despaired of ever attaining again to power under their own name and organization. The Democratic party was so strong at the moment of the election, that its division or the disaffection of a large portion of its members, when the distribution of offices came, might be reasonably expected. The master-stroke of policy, then, would be to seize upon an organization that would secure the support of the main body of the defeated Whigs and free-soilers, and attract the coöperation of disaffected Democrats. Out of these three elements it would not be unreasonable to hope for the forming of a party strong enough to elect the next president. Such was the calculation. Fortune seemed to favor the conspirators. The disaffection in the Democratic ranks was even greater in several leading states than could have reasonably been counted on, and the passage of the Nebraska bill and the repeal of that absurdity called "the Missouri compromise," came most opportunely to infuse new life and energy into the free-soil party, and to draw into a sympathy with them a large number of northern Whigs who had hitherto stood up manfully in support of the constitution and the Union.

With the views of a large number of individual Whigs we have of late years had many sympathies; but we have never had any sympathy with the Whigs in their party action. They have since assuming the name of *Whig*, in 1832, seldom had any firm and fixed principles by which they seemed prepared to stand or to fall. They have especially since 1838, as a party, seemed too fond of making up false issues, and availing themselves of every temporary and local excitement, and every temporary and local fanaticism, that promised to give them a temporary and local accession of numbers. The reason of this is not in their natural sympathy with these excitements and fanaticisms,

but in the fact of their weakness as a national party. There is no use in denying or seeking to disguise the fact, that the Democratic party represents the national sentiment, and is, whenever that sentiment can fully express itself, the dominant party of the Union. It can never be defeated, save in certain localities, when the issue is fairly made up, and the people come to a direct vote between it and its opponents. It is the only party, when in place, strong enough to propose and carry its measures. Twice since 1840 the Whigs have been in place, and in neither case have they been able to carry out their avowed policy; but in both they have been obliged to abandon their distinctive measures, and to adopt a policy, in the main, acceptable to their Democratic opponents. Hence the accession of the Whigs on a distinctive policy of their own, or by a firm and manly reliance on their own strength, is, whether desirable or not, out of the question, and they are obliged to remain in opposition, or resort to stratagem, to avail themselves of collateral issues and temporary expedients.

Now this Know-nothing order, whether it was conceived and brought forth by Whigs as such or not,—and for our part we do not believe that it was,—seemed admirably adapted to their purpose; and when its managers proposed it to the Whig members of the last congress, all but two or three of them, if our information be correct, agreed to adopt it. It professed to be wholly independent of all existing party organizations, and therefore it appealed directly to the members of those party organizations which it was felt were effete, or too feeble to attain to power in their own name, and to a considerable number of persons who were dissatisfied with all the old parties, and desirous of seeing a new party arise from their ashes. The number of these last was much larger and more important, two or three years ago, than is commonly supposed. The Whigs had no well-settled policy, and they had proved themselves unable to administer the government to the satisfaction of the country. The free-soilers were fanatics, and hostile to the Union, and the Democrats were tinctured with filibusterism, and tending to ultraism under the seductive name of progressive democracy with fearful rapidity, and seemed on the point of abandoning for ever the American for the European democracy, that is, American constitutionalism for French Jacobinism. We ourselves should have been most happy to

have seen a new party springing up, that should have been neither Whig nor Democratic, but which should combine the conservative elements of both parties. Such a party seemed to us at one moment not wholly impossible, and if it could have been formed on truly American principles, it would, though not immediately, but in time, have attained to power; and even before doing so, it would have exerted a wholesome restraining influence upon the action of whatever party might be in place. To persons desirous of a truly conservative party, that is, conservative in a good, not a bad sense, the Know-nothings pretended to be such a party, although we never for a moment believed them. Being a secret order, and their real principles, if they had any, being unknown, except to the managers, they could profess any thing according to the predilections of the persons they addressed, provided those persons were non-Catholics. With men of a conservative tendency, they were conservative; with radicals, they were radicals; with filibusters, they were filibusters; with free-soilers, they were anti-slavery; with the friends and supporters of the compromises of the constitution, they were organized for the purpose of putting down the free-soilers, and protecting the Union.

But they must, in order to be able to draw largely from the Democratic ranks, appeal to other sentiments. They therefore professed strong American and anti-foreign sympathies, which would attract what remained of the old "native American" party, and also strong Protestant, anti-Catholic sentiments, which would enlist the Evangelical and no-popery party of the country. It was from their opposition to foreign residents and naturalized citizens and their strong appeals to native American prejudices, and their opposition to the Catholic Church and strong appeals to Protestant fanaticism, that they hoped to enlist under their banner a sufficient number of the Democratic party to secure them with the despairing Whigs, the free-soilers, and the no-party man, a majority of voters in a majority of the states and in the Union. The native American and anti-foreign appeals were intended principally for the South, and the anti-Catholic and Protestant appeals principally for the North. These appeals, with the hope of office held out to a large class of men who under any other organization knew they had and could have no chance of attaining to place, it was thought, not wholly

without reason, would suffice to give them the political power of the country.

Such are the Know-nothings and their hopes regarded as a political party. While we are writing, important elections are taking place in several states at the South and Southwest, the result of which has not reached us, but which will most likely prove to be of a mixed character. The success of the party as a political party depends on its ability to draw off from the Democratic party voters enough, when added to the main body of the old Whig party, with the free-soilers, anti-Nebraska men, and office-seekers, to constitute a majority in a presidential election. Whether they can do this or not, is as yet undecided. If the old Democratic party rally to their old principles, and vote according to their old party associations, they will be able, with the recruits they will obtain from those honorable and high-minded Whigs who, though disliking the Democratic party, will vote for it in preference to the Know-nothing party, and among whom we may reckon with certainty the large body of Catholics, who have generally supported the Whig party, they will be defeated in the coming presidential election, and the country will be saved from the indelible disgrace so cunningly prepared for it. The duty of every high-minded and patriotic American citizen would, therefore, seem to be plain. Whatever may have been our dislike to the Democratic party, or to the present administration, we must rally, it seems to us, to its support, and do all in our power in the state and federal elections to prevent its defeat. There is really no room for hesitation. The Democratic party to-day represents the honor and good faith of the nation, and we are called upon by every consideration which can weigh with freemen and patriots to give it our firmest support, whatever may have been its errors and short-comings.

But it is not precisely under its aspect as a political party that we wish principally to consider this Know-nothing organization. We wish rather to consider it in its relation to civil and religious liberty. We have before us, in *The Boston Daily Advertiser* of August 8th, the platform adopted on the previous day by the Know-nothing state council at Springfield in this state. We do not propose to examine this platform in all its parts. We propose to examine only a part of the sixth article, which we copy entire.

"6. The right to worship God according to the dictates of one's con-

science, to be preserved inviolate. Resistance to any politico-ecclesiastical hierarchy, which, through its agents, be they pope, bishops, or priests, attempts to invade this right, or acquire political power. Hence, we rebuke all attempts to appropriate the public funds to the establishment of sectarian schools, all attempts to exclude the Bible as a text-book therefrom, and all attempts to wrest from the laity and give to the priesthood the control of church property. We also rebuke in indignant terms such sentiments as these, put forth by the representatives of the Papal power:—that 'Protestantism has no rights in the presence of Catholicism'; that 'religious liberty is only to be endured until the opposite can be established with safety to the Catholic world'; and that 'the Catholics of America are bound to abide by the interpretation put upon the constitution of the United States by the pope of Rome.'"

It is one of the most painful things, in our controversy with anti-Catholics, to be obliged always to complain of their perversions and misrepresentations of Catholic writers. We say it, and in sorrow, not in anger, that we have never, since we became a Catholic, found the least approach to loyalty and good faith in a no-popery opponent. In this short article three sentences are cited, as if from Catholic writers, two of which are sheer forgeries, and the other a perversion. No Catholic writer has ever written that "religious liberty is only to be endured till the opposite can be established with safety to the Catholic world," or that "the Catholics of America are bound to abide by the interpretation put upon the constitution of the United States by the pope of Rome." These are pure inventions, gross fabrications. Undoubtedly, Catholics oppose what passes with many people for religious liberty, that is, the liberty of infidelity to enslave religion, or to make the civil magistrate the director of conscience; but no Catholic has ever opposed, in any form or shape, in any age or country, the liberty of religion, or true religious liberty. We have ourselves uniformly opposed, both before and since our conversion to Catholicity, the liberty of infidels, Evangelicals, and politicians, to enslave religion and trample on the rights of conscience, which is accountable to God alone; but we have as uniformly, and with all the energy of our soul, in speaking and in writing, defended *religious* liberty full and entire. So has our excellent young friend, a sincere and earnest-minded Catholic, Robert A. Bakewell, late editor of *The Shepherd of the Valley*, who, we regret, has received harsh measure at the hands not only of Protestants, but even of some of his Catholic contemporaries. All we ask for our church, we have said over and over again, is "an open field

and fair play." We demand for her as a right, which the state and all individuals are bound to respect, full liberty to profess and practise her faith and discipline; and what we claim for her in face of the civil authority, or of secular society, we have uniformly expressed our readiness to concede to the sects, nay, if it were necessary, to defend for them, for we hold the absolute incompetency of the state in spirituals.

The sentence, that "the Catholics of America are bound to abide by the interpretation put upon the constitution of the United States by the pope of Rome," we have seen, in some secular prints, ascribed to the editor of this periodical; but its very style should have saved him from such an indignity. We have never, in speaking or in writing, in public or in private, expressed any such doctrine, for we have never claimed for the pope any power at all to interpret the constitution of the United States, or any other civil constitution, except that of the Papal States themselves. What we have said is, that Catholics are bound in conscience to obey the civil government in all things not repugnant to the law of God; and we envy not the man who will maintain, either that he is not bound in conscience to obey the civil authority at all, or that he is bound to obey it when it commands what the law of God forbids. Assuming that we are thus bound, we are bound to obey every constitutional enactment, unless the constitution itself authorizes things repugnant to the law of God. Thus we have reasoned against those who, on the ground of conscience, or the higher law, as they call it, object to the fugitive-slave law. That law is constitutional, and the constitution authorizes nothing repugnant to the divine law, and therefore you cannot plead conscience or the higher law against it. Now here are two assumptions, one as to the constitutionality of the law, and the other as to the repugnance or non-repugnance of the constitution to the law of God. These are two questions, neither of which can the private citizen decide for himself. The former, the constitutionality of the law, is a question for the supreme court, the proper civil tribunal, and does not for Catholics, any more than for non-Catholics, come within the jurisdiction of the ecclesiastical authority, for it is a purely civil question. But the latter, whether the constitution is or is not repugnant to the law of God, is a spiritual question, and touches conscience. We can conceive that a civil constitution may be incompatible with the divine law.

Such was the constitution of Rome under the empire, which made the emperor a god, supreme pontiff, and supreme civil ruler, and gave him the civil right to command incense to be offered to his statue, to the statue of Jupiter, or any of the heathen gods. Here was a civil constitution repugnant to the law of God, for that law forbids idolatry. So would be a civil constitution that should command us to embrace Mormonism; and so is the civil constitution in every Mahometan state, and in nearly every heathen state. The French people, led away by Jansenists and infidels, abolished Christianity, forbade the exercise of the Catholic religion, and adopted a constitution forbidden by the divine law. It is clear, then, that a civil constitution may be repugnant to the law of God. But who is to decide whether it be so or not? Not the private citizen for himself, for that would be anarchy; not the judiciary, for that holds under the constitution, and cannot go behind it; not the people, for it is precisely their act that may be in question. It is evident on the least reflection, that it must be decided for each citizen by that authority, whatever it be, which for him is the supreme judge in questions of conscience. This in the case of Catholics is, as everybody knows, the church, or the pope as head of the church. The doctrine we maintain is, that the supreme court interprets the constitution, and decides whether a given enactment be or be not constitutional, and from its interpretation and decision there lies no appeal; and that *for Catholics* the church or the pope is the proper judge of the spiritual question, whether the constitution itself is or is not repugnant to the law of God, does or does not ordain any thing contrary to conscience, or what the law of God forbids. Now, what we claim here for the pope is something very different from the power to decide on the constitutionality of civil enactments. However repugnant to American politicians may be the power we do claim for the pope, they need feel no alarm; for the pope, in permitting Catholics to take the oath to support and defend the constitution, has already decided that it ordains nothing contrary to the divine law. That question for Catholics is settled for ever, and no Catholic can ever plead conscience for not obeying any law passed in accordance with the constitution. We are bound in conscience to obey every law authorized by the constitution of the Union, and therefore it is that we cannot join with abolitionists and free-soilers, as little favorable as we are to slavery. We can

advocate the emancipation of the slaves, but their compulsory emancipation only on condition of full indemnification of their owners.

We are not quite so simple as to suppose that even this explanation will satisfy no-popery politicians, for they hate the papacy with a perfect hatred, and are as much opposed to the papal authority in spirituals as in temporals. But our only reply to them is, that the supreme authority of the pope under God, in all questions which touch conscience, is a part of the Catholic religion, of the Catholic faith itself; and you cannot object to the power we claim for the pope without objecting to Catholicity that it is Catholicity, not Protestantism. You may object to us on theological grounds, if you choose, but not on political grounds, for the political law is and must be subordinate to the religious law; and we have, as American citizens, the right to profess and practise our religion without restraint. We are willing to do all we can in conscience to pacify our enemies, and would never let slip an opportunity to throw a sop to Cerberus, but we cannot be so complaisant as to sacrifice principle itself. We shall never, to gain friendship for ourselves or our co-religionists, do the foul dishonor to religion of subordinating her to politics. If your civil *régime* contradicts religion, correct it, and not ask us to correct religion; if we are to enjoy in this blessed land religious liberty, we must enjoy the right of appealing to the supreme pontiff in every matter which touches our consciences as Catholics. You can deny us this right, if you choose, and burn or hang us, if we presume to exercise it; but you can do so only by violating that religious liberty you say in this very platform is "to be preserved inviolate."

"Protestantism has no rights in presence of Catholicity." This sentence is, we believe, from our *Review*, and was written by its editor. We do not deny it and are prepared to stand by it. But we have never said, "*Protestants* have no rights in presence of *Catholics*." Between the two assertions there is a distance. We speak as a Catholic, and as a Catholic we of course hold Catholicity to be the true and the only true religion. We do not concede that Protestantism is or possibly can be true. In the mind of a Catholic there is no room for doubt, and on this point there is nothing left to be settled. Catholicity is true, and Protestantism, as its contradictory, is and cannot but be false. We do not admit the possibility of our being wrong in this,

or of Protestants being right. We are as certain that we are right as we are that we exist, or that it is impossible for God to lie; and as certain as we are that we are right, so certain we are that Protestantism is a huge error, a satanic delusion. Now, as error can never have any rights in presence of truth, Protestantism can have none in presence of Catholicity. This is what we do and must say as a Catholic, for we are not seeking for the true religion. We have found it. You may prove us wrong if you can. But this much you must concede, that, if Catholicity be true, in its presence Protestantism has and can have no rights, unless you are prepared to say that error has rights in presence of truth.

But Protestants are men as well as Protestants, and they have, in the presence of Catholics, who are also men, the common rights, that is to say, the natural rights of all men. They are citizens, and in their capacity of citizens they and Catholics stand on a footing of perfect equality. Before the state, for the state is incompetent in spirituals, Catholics and Protestants are equal, and have the same rights. This doctrine we have never denied, but always maintained. We claim the free exercise of our religion in this country, on the ground of our equal rights as American citizens; whether our religion be true or false is no concern of yours as politicians or statesmen. You are free to controvert it on theological grounds, but not on political grounds. The American doctrine is that of the equal rights before the state of all American citizens, and consequently, if one class of citizens have the right to the free and full enjoyment of their religion, every other class have an equal right to the free and full enjoyment of theirs. The free and full enjoyment, the free and unrestricted profession and practice of our religion in its unity and integrity, whether pleasing or offensive to Protestants, is included in our equal rights as American citizens; and you cannot in any respect restrict our religion, without doing violence to the American doctrine of equal rights. But that same doctrine gives to the adherents of the sects, so long as they do not encroach on the equal rights of others, or disturb under the pretence of liberty of conscience the public peace, the same rights before the law. But under our system they possess these rights not as Protestants, but as citizens, any more than we possess ours as Catholics; for neither Catholicity nor Protestantism is known to our laws; and the protection the pro-

fessors of either can claim from the government is simply their protection in their equal rights as citizens.

We can hardly suppose that the Know-nothings are competent to understand these distinctions; and if they were, they have given us no reason to suppose that they have the good faith and simple honesty to regard them. The way in which they fabricate false charges against the church, and pervert the most innocent expressions of her writers from their plainest and most obvious sense, in the connection in which they are found, renders it impossible for us to give them more credit for honesty than discernment. We make these explanations not for them, but for Catholics and for those liberal and honorable Protestants, who have the feelings, manners, and tastes of gentlemen, and who, though not without some anti-Catholic prejudices, would scorn to use any but fair and honest means against the spread of Catholicity. These gentlemen must see the falsehoods and calumnies circulated against us; they must see the ungenerous, the undignified, the untruthful, and even satanic spirit manifested by our opponents towards us, and be led, we should think, to doubt the possibility of there being a good cause against the church.

But this by the way. We ask our readers to note the admirable consistency of these Know-nothings. They tell us, "the right to worship God according to the dictates of one's conscience is to be preserved inviolate," and in the same breath declare their intention to deprive Catholics, as far as the law can deprive them, of this very right! Everybody knows that the end and aim of the party, aside from the attainment of power and place, is to restrain the free profession and practice of the Catholic religion. They in our legislature, last winter, even passed an act which, in their understanding and intention, discriminates between Catholics and Protestants, and excludes Catholics from every office under the state government. They have enacted an infamous test oath; but, happily, Satan failed them for the moment, and did not assist them to frame the oath so that a Catholic cannot take it, if he sees proper. Their iniquity lied unto itself. They not only aim to deprive us of our civil *status*, and therefore of our religious freedom, but they do it under the false pretence that our church "is a *politico*-ecclesiastical hierarchy." This is false, and it cannot be doubted that they know it. Our bishops and clergy have, as citizens, the same political rights with other citi-

zens, and the same right to interfere in politics, if they choose, that Protestant ministers have. But they have rarely intermeddled, save when the rights of conscience, the preservation of the Union, and the maintenance of social order, demanded the intervention of every loyal citizen; and even then they have done so simply in their capacity of private citizens, never in their capacity as members of the Catholic hierarchy. But we cannot say as much of Protestant ministers. There was, some time since, a solemn act of the Presbyterian assembly, or at least of a Presbyterian synod, reported in the newspapers, officially censuring a measure of the general government, and everybody must remember a solemn admonition,—for petition we cannot call it,—in respect to the Nebraska-Kansas bill, signed by three thousand New England ministers, in their official character, presented to the senate of the United States by Mr. Edward Everett, a senator at that time from this state. Was there the name of a single Catholic bishop or priest on the list? Have the Catholic hierarchy ever done any thing of the sort? You know they have not. There are some twenty or thirty Protestant ministers, it has been said sixty, members of our present general court, and the speaker of the house of representatives is, we believe, a Protestant minister of some sort, though of what sort we pretend not to say. Is there, or has there ever been, a Catholic priest in that august assembly? What simplicity or what rank hypocrisy for the Know-nothings, then, to declare war against Catholics, on the ground that its clergy are a *politico*-ecclesiastical hierarchy! Men must be far gone in impudence, or laboring under a singular and most satanic delusion, before they can stand up before the world and accuse an innocent party of the misdeeds of which they themselves alone are guilty.

The platform lays down as one of its planks, "resistance to any politico-ecclesiastical hierarchy, which, through its agents, be they pope, bishops, or priests, attempts to invade this right to worship God according to the dictates of one's conscience, or to acquire political power." It were idle to affect to doubt the intended allusion. Every reader knows that the Catholic Church is meant. These Know-nothings would have it believed that our church is a political as well as an ecclesiastical body, that is, secular as well as spiritual, which is false; and that she is seeking to invade the rights of conscience, and to acquire political power, which is false

and insulting. Can it be wondered at, that, when a party, professing to be in a special sense American, publishes such foul calumnies, foreign-born Catholics should manifest an unwillingness to americanize and fraternize with the natives? Why, is there a man, woman, or child in the country, that does not know that we have, as Catholics, even more than we can do to defend our own right to worship God according to the dictates of our conscience, against the infuriated attacks of bigots and fanatics? What nonsense to talk of the church invading the right of conscience, when it is she, as all the world knows, that is struggling in every land against politicians, schismatics, heretics, revolutionists, despots, pagans, Mahometans, and apostates, for that very right. Do the Know-nothings imagine that the subjection of conscience to the political order is its freedom? Then as to political power, in no age or country has the Catholic hierarchy sought to acquire it. The charge betrays equal ignorance and malignity.

Hear again these sapient Know-nothings: "Hence we rebuke all attempts to wrest from the laity and give to the priesthood the control of church property." The reasoning here is according to the Know-nothing, rather than the Aristotelian logic, we suppose. But do not these men perceive that they are striking a fatal blow at the rights of property, one of the bases of society itself? What right has the state to meddle with church property? The right of property is a natural right, a right not derived from society, but held anterior to it, and independent of it. Civil society does not confer it, and its duty is to recognize and protect it. I have the right to dispose of my property in any way I please, not forbidden by the law of God. I may give it to the church if I please, and the state has no right to prohibit me from so doing. If I give it to the church, it is hers, and it is for her, not the legislature, to say whether it shall be controlled by the clergy or the laity. Why, my dear friends, you have not as yet learnt the simplest elements even of civil liberty. You have not advanced beyond the liberty recognized by the Grand Turk, who has recently assumed for the lay society all the property of the mosques. You talk of wresting from the laity the control of church property. When, permit us to ask your wisdoms, was the control of *church* property vested in the laity? In point of fact, the larger portion of the property of the church in this country has not even been contributed by the laity. The majority of

the churches in the United States have been built, in much the greater part, by the clergy with their own means, out of the fruits of their own hard earnings. To whom in natural right, then, would belong the control of this property? How can placing its control in the clergy be regarded as wresting from the laity any right they ever possessed, or to which they have the least claim in justice? The property is vested in the church, and it is for her to decide who shall control it. She has decided that the control of the temporalities of the church shall be vested in the bishops and clergy under the sovereign pontiff. Whether she has done wisely or unwisely in so doing, is a matter that concerns her alone, and into which you have no right to inquire. It is a law of the church, and, as such, a part of our religion,—a part of the Catholic religion itself; and you cannot oppose it without violating that liberty of conscience which you say must be maintained "inviolate." It is not for you to discriminate and say so much of the Catholic religion may be professed, and so much shall not. Catholicity, at least so far as the state is concerned, is a whole, and you must either recognize it in its unity and integrity, as the church herself proposes it, and leave it thus entirely free, or you deny us all religious freedom. Our freedom consists in professing and practising our religion as we understand it, not merely as you choose to understand it for us. We cannot recognize the papacy in the civil government, still less in a Know-nothing council, whether composed of political demagogues or of Protestant parsons.

But why continue this train of remark? Nothing we can say will have any effect on the demagogues, bigots, and fanatics who are banded together against us. They can invent and circulate a thousand calumnies while we are refuting one. To make them hear reason demands more than a human power, and only the almighty hand of God can arrest them in their madness and folly. They have no candor, no loyalty, no rectitude of heart or of mind, and they will do against us all they are permitted, but happily can do no more than they are permitted. One thing, however, must strike every reflecting mind, namely, that while English and American Evangelicals, combined with the minor sects struggling into notice, and anxious to gain the recognition of their more orthodox brethren, are constantly prating of religious liberty, they are in both Great Britain and the United States conspiring to deprive Catholics of all their civil and relig-

ious rights. Nothing is more remarkable than the facility of Evangelicals at self-deception. We are inclined to believe that they are really so deluded as to imagine that they are the advocates of religious liberty, while they are warring against it with all their might, as the Long Parliament in fighting against the king professed to do so under the king's commission. But this much is certain, that the active and living portion of English and American Protestants, those, we mean, represented by Exeter Hall and Nassau Street, whatever their delusions or their pretences, have no conception and no love of religious, or even of civil liberty.

Protestantism has always been inimical to both religious and civil liberty, as we have on many occasions shown beyond the possibility of reply. Especially is this true of English and American Protestantism, confining the word, as we now do, to the Calvinistic and Methodistical sects. The eloquent and learned author of the History of the United States never made a greater mistake than when he made John Calvin the founder of civil liberty. Calvin was, no doubt, a man of extraordinary natural abilities; and, entering Geneva, whose citizens had recently rebelled against their prince, and by the aid of the Bernese had expelled him from their city, he no doubt favored a sort of republican government. But it should be remembered that the Swiss cantons had been republics centuries before he flourished, and that he himself never had any conception of what, in our times, are called the rights of man. He recognized only the rights of the saints; that is, of Calvinists, at most a contemptible minority of the human race. It is impossible, by any logical process conceivable by us, to conclude from the equality of Calvinists, or even of Protestants, the equality of all men, as asserted by our American patriots of 1776. That equality, the equality of all men by the natural law, was derived from the practice of the church and the teaching of her doctors in all ages. Hampden, Sydney, Locke, and even our own Jefferson, never taught it so clearly as it is taught by St. Augustine, St. Thomas, Suarez, and Bellarmine. Mr. Bancroft will find the doctrine he so ardently loves taught nowhere with more clearness, boldness, and energy, than it was taught by the French *Ligueurs* in their resistance to Henri Quatre, and the French revolution only clothed the Catholic doctrine in a pagan garb, and informed it with a pagan instead of a Christian spirit. The liberty, equality, and brotherhood which that revolution proclaimed,

and sought to realize, were in themselves Catholic conceptions, and never could have been entertained by a people that had not retained a very distinct and vivid reminiscence of its Catholic culture. The error of the revolution was not in entertaining them, or in seeking their realization in society, but in its practical perversion and misapplication of them, and in seeking to realize them by unwarrantable and improper means. They were great truths founded in eternal justice, and are dear to the better instincts of all human hearts.

Liberty, in every rational sense, is founded and supported by the principles of Catholic theology, and by them alone, because that theology asserts the reality and permanence of the natural law, deriving its force from the eternal law, the reason or will of God, and no other theology does it. The positive law does in no instance supersede or abrogate the natural law common to all men, and rights held under it remain always the same in the Christian and the infidel. The infidel prince has, over his Christian subjects, all the rights that he has under the law of nature over any other class of his subjects. If he violates their conscience, if he plays the tyrant over them and oppresses them, they may, if able, depose him, and elect another in his place; but they cannot refuse him their allegiance and loyal obedience because he is an unbeliever, or force him either to abdicate or to become a Catholic. The church always respects, and teaches her children and enjoins upon all tutors, rulers, and governors, under whatever name or degree, to respect, all the natural rights of the nation and the individual, and that no prospect of utility or of good to be gained in this world or the next can justify the violation of any one of them, for we may never do wrong that good may come.

Hence it is that Catholics always move slowly in reforming abuses which, through the frailty and perversity of human nature, accumulate with time; and the church takes care, in removing either moral or social evils, to violate no natural or vested right; and impatient spirits, zealous for meliorations and progress, are not unfrequently tempted to murmur at what appears to be her dilatoriness and excessive forbearance. She detests slavery, but she has respect to the rights of the master as well as of the slave; and as long as he does not abuse his rights, she will not suffer him to be compelled to emancipate his slave without a

full indemnification. She hates intemperance, and enjoins temperance as a cardinal virtue; but she cannot, in order to suppress intemperance, trample on the natural right of her children to use the good things of God as not abusing them. She respects the natural liberty of every man, woman, and child. In this she follows the example of her Lord. Almighty God could with a word put an end to all sin, and to its consequent evils, but he does not do it, because he respects that freedom, that liberty, with which he has created man, choosing rather to die on the cross than to offer it violence. The church justifies the employment of force to repel force or to suppress violence; and in this sense she has authorized her children to defend themselves, their freedom, religion, altars, and firesides, against the attacks of heretics, schismatics, and infidels; but she has never authorized the employment of force against any class of persons guilty of no violence to the rights of their neighbor. The employment of physical force for the promotion of religion and virtue,—the resort of our Maine liquor law and no-popery men,—she strictly and uncompromisingly forbids, and tells those who would thus employ it, "Ye know not what manner of spirit ye are of." She relies on doctrinal instruction, on moral suasion, the supernatural grace of her sacraments and her own spiritual discipline, to suppress sin and advance men in the way of perfection. It is clear, therefore, that the church can neither tyrannize herself, nor suffer her children to tyrannize; and that the natural tendency, so to speak, of the Catholic religion, is to liberty, equality, and brotherhood; and nothing is more historically certain, than that the tendency in the modern world to despotism, to absolutism, or cæsarism, whether of the one, the few, or the many, has been in exact proportion to the decline of the influence of the church, and of the rejection of her faith and discipline.

The whole theory and practice of Calvinism, what we call Evangelicalism, are in singular contrast with those of the church. The Calvinist—and the Calvinistic is the pervading spirit of most Protestants, if we except those amiable gentlemen and ladies called Puseyites, who *protest* against Protestantism without however abandoning it—holds that only the saints, only persons in grace, have rights, and in face of them all the rest of the world are outlaws, without any rights whatever. Thus a Mormon elder, a true Evan-

gelical, said to us one day: "The Lord has given the earth and all it contains to his saints. We, the Mormons, are the saints, and have a divine right to govern, to kill or slay, as we see proper, all who are not joined to us, and to enter into their possessions. We have the right from God himself to take the wives or the property of sinners wherever we find them, and whenever we please; but we are too weak at present to render it prudent to avail ourselves of this right." This is the true Calvinist doctrine, or the strictly logical conclusion from the denial of the natural law, and the assertion that all rights are of grace,—a doctrine that has an invincible tendency to antinomianism, if indeed it can be logically distinguished from it. To those who have no rights, it is impossible to do any wrong; consequently the saints are under no obligation to respect any thing in sinners, that is, Catholics and unevangelicals, and may rightfully persecute, fine, imprison, exile, hang, or burn them as they please. Reading the Old Testament and misapplying the commands of God to the Jews to exterminate the Canaanites, they very naturally come to the conclusion, that it is not only their right, but their duty, to exterminate Catholics—who are to them the Canaanites—with fire and sword, or at least to reduce them, as the children of Israel did the Gibeonites, to be "hewers of wood and drawers of water," the condition to which England for three hundred years has tried to reduce the Catholics of Ireland. All sincere and earnest Evangelicals believe it a national sin to tolerate the Canaanites in the land; and to have friendly relations with them, even in secular matters, is a consorting with the enemy, and a high-handed rebellion against God. They groan in spirit whenever they see a Catholic church rise in their midst, and can hardly restrain themselves from pulling it down. Hence to persecute is not only lawful, but a duty, for Evangelicals.

Then, again, they find themselves impotent to meet what they regard as the evils of the day by any other means than force, for all civil action in the last analysis is force. We have assailed Protestantism with argument, and Evangelicalism has replied to us by calling on the state to deprive us of our civil *status*, to exterminate us, to drive us into exile, or to reduce us to slavery. Through a political necessity, the English parliament, strongly against its will, passed the Catholic relief bill of 1829, which gave to the Catholics of the United Kingdom a partial freedom. Since

then, Catholicity, which demands nothing but freedom, has reared its head, and attracted the choicest spirits of the land within its fold. Evangelicalism is alarmed. Men are everywhere praying for the conversion of England, and the pope will, ere long, place her once more as a bright jewel in his triple crown. This must not be suffered. Exeter Hall cannot tolerate it. Englishmen must have an English, not a foreign religion, and worship an English god, a nice little national god, not the God who has created heaven and earth, and who drew their fathers from their savage state and heathen abominations. But to prevent it by argument, by fair and candid appeals to Scripture, reason, and history, is out of the question. Doctrinal instruction, moral suasion, the sacraments, are instruments which Evangelicals cannot use, and which can be and are used with fearful effect against them. They resort, therefore, to the civil arm. They demand and obtain legislation, acts of parliament, against Catholics, and the most assiduous efforts are now making to prepare the way for the repeal of the Catholic relief bill, and to reënact the old penal laws. No one who has attended to the debates in parliament on the anti-Catholic motions introduced by Mr. Chambers and Mr. Spooner can doubt it. In strict concert with Exeter Hall are acting the Evangelical portion of our Know-nothing party.

This is no accident. It lies in the very nature and necessities of Evangelicalism. We are, say the Evangelicals, the saints, and to us God has given the government of the world. We alone, of all the children of men, have rights, and hence with those not joined to us we may do as we please. Evangelicalism has then in its own view the right to suppress by violence, without regard to individual or personal rights, whatever it chooses to regard as sin or evil. Having no moral means, it is obliged to resort to civil force, or fail of its end. All its philanthropy, all its better affections, perverted by its principles, urge it to act the tyrant and the persecutor. And to do so is not an exception, is not an inconsequence, an aberration from its principles, but to act in strict and logical conformity with them. It is a necessity of its nature. There is not a single reform, of whatever name or nature, that it is able to effect without a resort to force, because it has no moral means that are adequate. Hence it is that under its influence every thing wise and good turns to evil. All that is sweet in human nature it sours, or ferments into an intoxicating draught. It cannot

meliorate the political and social condition of mankind without violence, trampling on natural and vested rights, and asserting the principles of the most odious tyranny. It cannot seek the emancipation of the slave without despotism to the master. It cannot labor to suppress intemperance, that crying evil, without its prohibitory legislation, which sacrifices individual freedom, and violates the rights of property, sacred in every civilized state. It has only one method of proceeding. This is to begin by agitating the public mind for the reform it wishes, and then through its agitation and affiliated associations to get possession of the legislature, and make a law enforcing it. It must do so, because it has not the sacraments or spiritual means by which it may reach the heart and remove evil by purifying its source. The whole history of the philanthropic and reform movements of the day proves it, and therefore that Evangelicalism is deadly hostile in its own nature to both civil and religious liberty. The great truth that this age needs to learn is, that civil and religious liberty must stand or fall together, and that neither has any support, save in the doctrine, the discipline, and the sacraments of the Catholic Church, for save by their means there is and can be no harmonizing of nature and grace, liberty and authority. Out of Catholicity either nature is denied, as with Evangelicals, or grace is denied, as with the rationalists; and to deny either is to render our civil liberty practically impossible.

The Evangelical, otherwise called the Puritan party, played a conspicuous part in what is called the reformation. Imported into England originally by the Lollards, and subsequently from Geneva, that Rome of Protestantism, it attained to power under Cromwell, received a check in the restoration, was successfully appealed to in the revolution of 1688, and sunk into insignificance till revived and reinvigorated by Wesley and Whitefield. In this country it was predominant in nearly all the colonies in their early settlement, but had been shorn in great measure of its power prior to the assertion of our independence of the crown of Great Britain. It made a rally under the elder Adams, but was defeated by the election of Mr. Jefferson in 1800, and fell into a minority. It has never had the control of the general government, and rarely has it ever been in power in any of the state governments. But ever since the rise of Methodism, under John Wesley, in the last century, it has been with us and in Great Britain steadily on the increase.

It has worked in secret as well as openly, and with a perseverance worthy of the cause it professes to be, but is not. It has availed itself, with consummate address, of every popular incident or movement that seemed capable of being made to operate to its advantage. It has obtained the control of nearly all the great philanthropic movements of the day, directs your abolition and temperance societies, and enlists in its service the great mass of British and American infidelity. It has its affiliated societies for every kind of object subsidiary to its main purpose, spread as a vast network over the whole land, and has succeeded in making itself of importance to politicians. In a word, it has practised and still practises all the arts which it falsely and calumniously lays to the charge of the Jesuits and the Catholic hierarchy. It has once more, in the vicissitudes of modern history, become formidable, and may be regarded as now on the point of seizing the political power in both Great Britain and the United States.

It is this Evangelical element, a singular compound of cant and hypocrisy, of cunning and impudence, of philanthropy and hate, of infidelity and fanaticism, that renders the Know-nothing party dangerous, and this element enters into both sections or divisions of the order, and is that which distinguishes the so-called American party from the ordinary Whig party of the country. In this Know-nothing organization, Evangelicalism hopes to accéde to power. That it will succeed we are unwilling to believe, and if it were confined to our own country we should confidently count on its failure, for though it constitutes the life and vigor of Protestantism, it is very far from commending itself to the whole Protestant body. But the Evangelicals of the United States and of the United Kingdom constitute only one and the same people, acting in concert under the guidance of the same leaders, and its victory or defeat in one is its victory or defeat in the other. We fear the aid the American Evangelicals will derive from their brethren in Great Britain, where they are far more formidable than with us, and where, if not met with equal firmness and wisdom, they will soon have a parliamentary majority.

The danger in Great Britain would not be so great as with us, were it not for the unhappy divisions among the Irish Catholics, which neutralize their influence in the house of commons. However desirable may be the tenant's compensation bill, there is at this moment a far greater interest

for Catholic Ireland at stake. The accession of the Evangelicals to power would be the destruction of the little religious and civil liberty still remaining in the United Kingdom. All that was gained under O'Connell would be lost, and Ireland most likely would feel the curse of another Cromwell. We are much mistaken if the expulsion from the cabinet of the Earl of Aberdeen, the Duke of Newcastle, Sir James Graham, Mr. Gladstone, and Mr. Sydney Herbert, the men who stood up so firmly against the ecclesiastical titles bill, and the elevation of Lord Palmerston to the premiership, ought not to be looked upon as a victory gained by the Evangelicals; and certain we are that civil and religious liberty has nothing to hope, but much to fear, from the present administration. Still, such is the complexion of parties in the United Kingdom, that it must be difficult to say on what side the patriotic Catholic ought to cast his influence. The Tories can hardly be trusted for Ireland, and the Whigs just as little for England. The Tories insist upon governing Ireland through the Orange faction, and the Whigs by nature and tradition belong to the Evangelicals. It is not for us at this distance, and with our imperfect information, to say what is the political course most advisable for our Irish Catholic friends to adopt. It is not our business to decide the political dispute between the *Tablet* and the *Telegraph*, but our friend, the editor of the *Telegraph*, must allow us to say, that we have deeply regretted to find him laboring to bring national prejudices to bear against Mr. Lucas of the *Tablet*. It seems to us unwise, ungenerous, and uncatholic. Mr. Lucas is not infallible, and we are far enough from approving all we have seen in his journal; but we have full confidence in him as a sincere Catholic and a docile child of the church. The Catholics of England and Ireland, and we will add of the United States, could ill spare such a man in the present conjuncture of their affairs. We could ill spare him from the house of commons, where he has won by his ability, his honesty, and his straightforward, manly conduct, an honorable position. He may in his zeal have expressed himself on some occasions in terms not decorous to some members of the hierarchy; but to pretend that he is laboring to set the priests of the second order against their bishops, or to abolish the episcopacy, seems to us to be simply ridiculous. Bishops and priests, when they enter the arena of politics, expect to be treated as politicians, and it may sometimes well happen,

that the well-intentioned layman, in a field in which he stands on the same level with them, may in the heat of debate or in the fervor of his zeal forget for a moment their sacred character. As we understand the case, the Callan speech of Mr. Lucas was objectionable, and we certainly disapprove in the strongest manner of some articles which we have seen copied into the *Telegraph* from the *Dublin Nation;* but Mr. Lucas is not Mr. Duffey, and we do not think that such a man as he should be cried down by Catholics, even had his fault been greater than it has been. These are not times when we can afford to visit with excessive rigor the improprieties, imprudences, or indecorums of well-intentioned, able, sincere, and earnest laymen, who in good faith devote themselves to the defence of Catholic interests. Indeed, there are reasons why more than ordinary latitude should in our times be given them, and more than ordinary indulgence should be shown to their unintentional errors. The controversy between Catholics and Protestants is now mainly a secular controversy, in which laymen are far less unfitted to take part than they were in former times, when it was more exclusively theological. We have a high esteem for Mr. MacCabe, the distinguished author of *The Catholic History of England*, but we must remind him, and we do so in all kindness, that there are things to be pardoned in him as well as in the editor of the *Tablet*. In fact none of us are faultless enough to be inexorable to what we may regard as the faults of others. We hope that these remarks will be taken in the spirit in which they are made. We wish to see an end to the disedifying divisions among our Irish Catholic friends, for almost every thing in the present crisis depends, under God, on their united, firm, bold, energetic, and manly action.

We like exceedingly the tone and advice of the last *Dublin Review*, which seems to be arming itself to meet the new phasis assumed by the controversy between Catholics and Protestants in the United Kingdom. It understands that the enemy, discomfited for the hundredth time in the field of theological controversy, and unable to meet the arguments, now proposes, to shut the mouths of Catholics. What we Catholics have now to do in Great Britain and the United States is to defend civil and religious liberty against the conspiracy of Evangelicals, led on by such men as Lord Shaftesbury, Achilli, Gavazzi, the Beechers, the Clarks, and the Ned Buntlines, aided, no doubt by all the cunning, subt-

lety, and malice of Satan. In this grand contest it will serve little purpose to show that we are friendly to civil and religious liberty; we must take higher ground and show from incontrovertible facts and arguments that Evangelicalism is in its very nature and tendency in the last degree hostile to every species of rational liberty, and that it is only on Catholic ground that either civil or religious liberty can be sustained. We must hurl back upon these Evangelical canters and snifflers the charges which they falsely allege against us and our religion. Let there be no timidity, no trimming, no compromise. They are the party opposed to civil and religious liberty, ingrained tyrants and despots, who are ready to march to power over the grave of all that is dear and sacred to the human heart, all that is liberal and ennobling in human culture, all that is cheerful and recreating in human society, all that is true and holy in religion. We can speak to the public as well as they, and we must undeceive those whose confidence they have abused, and rally anew the real friends of British and American freedom.

We can do this if we will but heal our divisions, and venture to depart from the old routine of controversy, and meet the question as it is practically presented to-day. We must dare look it, in its present form, in the face, and approach it with strong, fresh, and fearless thought. Consult the old writers for principles we must, but in their application, in the forms of our expression, we must not fear to be original, however we may shock a superannuated pedantry or a cowardly imbecility. Our friends across the water are doing much, and doing it nobly. We are amazed at the marvellous fecundity of the English press. Let Ireland, who must cease to call herself "unhappy Ireland," feel that in the present crisis the hopes of Catholics in England and here turn to her. Let her, from her advantageous position, be true to herself, be bold, energetic, dignified, commanding, as becomes a Catholic kingdom, and this Evangelical party, composed of unbelievers and fanatics, assisted as it may be, by satanic cunning and malice, will fail of its purpose, and British and American freedom be saved from the grasp of its deadliest and only foes. Let American and British Catholics deserve success by their free and manly conduct, by their firm and heroic spirit, and they may count on success; for then Almighty God himself, and all the hosts of heaven, will be on our side, and fight for us.

# THE WOMAN QUESTION.

## ARTICLE I.

[From the Catholic World for May, 1869.]

THE Woman Question, though not yet an all-engrossing question in our own or in any other country, is exciting so much attention, and is so vigorously agitated, that no periodical can very well refuse to consider it. As yet, though entering into politics, it has not become a party question, and we think we may discuss it without overstepping the line we have marked out for ourselves—that of studiously avoiding all party politics; not because we have not the courage to discuss them, but because we have aims and purposes which appeal to all parties alike, and which can best be effected by letting party politics alone.

In what follows we shall take up the question seriously, and treat it candidly, without indulging in any sneers, jeers, or ridicule. A certain number of women have become, in some way or other, very thoroughly convinced that women are deeply wronged, deprived of their just rights by men, and especially in not being allowed political suffrage and eligibility. They claim to be in all things man's equal, and in many things his superior, and contend that society should make no distinction of sex in any of its civil and political arrangements. It will not, indeed, be easy for us to forget this distinction so long as we honor our mothers, and love our wives and daughters, but we will endeavor in this discussion to forget it—so far, at least as to treat the question on its merits, and make no allowance for any real or supposed difference of intellect between men and women. We shall neither roughen nor soften our tones because our opponents are women, or men who encourage them. The women in question claim for women all the prerogatives of men; we shall therefore take the liberty to disregard their privileges as women. They may expect from us civility, not gallantry.

We say frankly in the outset that we are decidedly opposed to female suffrage and eligibility. The woman's rights women demand them both as a right, and complain that men, in refusing to concede them, withhold a natural

right, and violate the equal rights on which the American republic professes to be based. We deny that women have a natural right to suffrage and eligibility; for neither is a natural right at all for either men or women. Either is a trust from civil society, not a natural and indefeasible right; and civil society confers either on whom it judges trustworthy, and on such conditions as it deems it expedient to annex. As the trust has never been conferred by civil society with us on women, they are deprived of no right by not being enfranchised.

We know that the theory has been broached latterly, and defended by several political journals, and even by representatives and senators in congress, as well as by *The Revolution*, the organ of the woman's rights movement, that suffrage and eligibility are not trusts conferred by civil society on whom it will, but natural and indefeasible rights, held directly from God or nature, and which civil society is bound by its very constitution to recognize, protect, and defend for all men and women, and which they can be deprived of only by crimes which forfeit one's natural life or liberty. It is on this ground that many have defended the extension of the elective franchise and eligibility to negroes and the colored races in the United States, and hold that congress, under that clause of the constitution authorizing it to guaranty to the several states a republican form of government, is bound to enfranchise them. It may or may not be wise and expedient to extend suffrage and eligibility to negroes and the colored races hitherto, in most of the states, excluded from the sovereign people of the country; on that question we express no opinion, one way or the other; but we deny that the negroes and colored men can claim admission on the ground either of natural right or of American republicanism; for white men themselves cannot claim it on that ground.

Indeed, the assumption that either suffrage or eligibility is a natural right is anti-republican. The fundamental principle, the very essence of republicanism is, that power is a trust to be exercised for the public good or common weal, and is forfeited when not so exercised, or when exercised for private and personal ends. Suffrage and eligibility confer power to govern, which, if a natural right, would imply that power is the natural and indefeasible right of the governors — the essential principle of all absolutism, whether autocratic, aristocratic, monarchical, or democratic. It would

imply that the American government is a pure, centralized, absolute, unmitigated democracy, which may be regarded either as tantamount to no government, or as the absolute despotism of the majority for the time, or its right to govern as it pleases in all things whatsoever, spiritual as well as secular, regardless of vested rights or constitutional limitations. This certainly is not American republicanism, which has always aimed to restrain the absolute power of majorities, and to protect minorities by constitutional provisions. It has never recognized suffrage as a personal right which a man carries with him whithersoever he goes, but has always made it a territorial right, which a man can exercise only in his own state, his own county, his own town or city, and his own ward or precinct. If American republicanism recognized suffrage as a right, not as simply a trust, why does it place restrictions on its exercise, or treat bribery as a crime? If suffrage is my natural right, my vote is my property, and I may do what I please with it; dispose of it in the market for the highest price I can get for it, as I may of any other species of property.

Suffrage and eligibility are not natural, indefeasible rights, but franchises or trusts conferred by civil society; and it is for civil society to determine in its wisdom whom it will or will not enfranchise; on whom it will or will not confer the trust. Both are social or political rights, derived from political society, and subject to its will, which may extend or abridge them as it judges best for the common good. Ask you who constitute society? They, be they more or fewer, who, by the actual constitution of the state, are the sovereign people. These, and these alone, have the right to determine who may or may not vote or be voted for. In the United States, the sovereign people has hitherto been, save in a few localities, adult males of the white race, and these have the right to say whether they will or will not extend suffrage to the black and colored races, and to women and children.

Women, then, have not, for men have not, any natural right to admission into the ranks of the sovereign people. This disposes of the question of right, and shows that no injustice or wrong is done to women by their exclusion, and that no violence is done to the equal rights on which the American republic is founded. It may or it may not be wise and expedient to admit women into political, as they are now admitted into civil, society; but they cannot claim

admission as a right. They can claim it only on the ground of expediency or that it is necessary for the common good. For our part, we have all our life listened to the arguments and declamations of the woman's rights party on the subject, have read Mary Wollstonecraft, heard Fanny Wright, and looked into *The Revolution*, conducted by some of our old friends and acquaintances, and of whom we think better than many of their countrymen do; but we remain decidedly of the opinion that harm instead of good, to both men and women, would result from the admission. We say not this because we think lightly of the intellectual or moral capacity of women. We ask not if women are equal, inferior, or superior to men; for the two sexes are different, and between things different in kind there is no relation of equality or of inequality. Of course, we hold that the woman was made for the man, not the man for the woman, and that the husband is the head of the wife, even as Christ is the head of the church, not the wife of the husband; but it suffices here to say that we do not object to the political enfranchisement of women on the ground of their feebleness, either of intellect or of body, or of any real incompetency to vote or to hold office. We are Catholics, and the church has always held in high honor chaste, modest, and worthy women as matrons, widows, or virgins. Her calendar has a full proportion of female saints, whose names she proposes to the honor and veneration of all the faithful. She bids the wife obey her husband in the Lord; but asserts her moral independence of him, leaves her conscience free, and holds her accountable for her own deeds.

Women have shown great executive or administrative ability. Few men have shown more ability on a throne than Isabella, the Catholic, of Spain; or, in the affairs of government, though otherwise faulty enough, than Elizabeth of England, and Catharine II. of Russia. The present queen of the British Isles has had a most successful reign; but she owes it less to her own abilities than to the wise counsels of her husband, Prince Albert, and her domestic virtues as a wife and a mother, by which she has won the affections of the English people. Others have shown rare administrative capacity in governing religious houses, often no less difficult than to govern a kingdom or an empire. Women have a keener insight into the characters of men than have men themselves, and the success of female sovereigns has, in great measure, been due to their ability to dis-

cover and call around them the best men in the state, and to put them in the places they are best fitted for.

What women would be as legislators remains to be seen; they have had little experience in that line; but it would go hard, but they would prove themselves not much inferior to the average of the men we send to our state legislatures or to our national congress.

Women have also distinguished themselves in the arts as painters and sculptors, though none of them have ever risen to the front rank. St. Catharine of Egypt cultivated philosophy with success. Several holy women have shown great proficiency in mystic theology, and have written works of great value. In lighter literature, especially in the present age, women have taken a leading part. They almost monopolize the modern novel or romance, and give to contemporary popular literature its tone and character; yet it must be conceded that no woman has written a first-class romance. The influence of her writings, speaking generally, has not tended to purify or exalt the age, but rather to enfeeble and abase it. The tendency is to substitute sentiment for thought, morbid passion for strength, and to produce a weak and unhealthy moral tone. For ourselves, we own, though there are some women whose works we read, and even re-read with pleasure, we do not, in general, admire the popular female literature of the day; and we do not think that literature is that in which woman is best fitted to excel, or through which she exerts her most purifying and elevating influence. Her writings do not do much to awaken in man's heart the long dormant chivalric love so rife in the romantic ages, or to render the age healthy, natural, and manly. We say *awaken*; for chivalry, in its true and disinterested sense, is not dead in the coldest man's heart; it only sleepeth. It is woman's own fault, more than man's, that it sleeps and wakes not to life and energy.

Nor do we object to the political enfranchisement of women in the special interest of the male sex. Men and women have no separate interests. What elevates the one elevates the other; what degrades the one degrades the other. Men can not depress women, place them in a false position, make them toys or drudges, without doing an equal injury to themselves; and one ground of our dislike to the so-called woman's rights movement is, that it proceeds on the supposition that there is no inter-dependence between men and women, and seeks to render them mutually inde-

pendent of each other, with entirely distinct and separate interests. There is a truth in the old Greek fable, related by Plato in the *Banquet*, that Jupiter united originally both sexes in one and the same person, and afterward separated them, and that now they are but two halves of one whole. "God made man after his own image and likeness; male and female made he *them*." Each, in this world, is the complement of the other, and the more closely identified are their interests, the better is it for both. We, in opposing the political enfranchisement of women, seek the interest of men no more than we do the interest of women themselves.

Women, no doubt, undergo many wrongs, and are obliged to suffer many hardships, but seldom they alone. It is a world of trial, a world in which there are wrongs of all sorts, and sufferings of all kinds. We have lost paradise, and cannot regain it in this world. We must go through the valley of the shadow of death before reëntering it. You cannot make earth heaven, and there is no use in trying; and least of all can you do it by political means. It is hard for the poor wife to have to maintain a lazy, idle, drunken vagabond of a husband, and three or four children into the bargain; it is hard for the wife delicately reared, accomplished, fitted to adorn the most intellectual, graceful, and polished society, accustomed to every luxury that wealth can procure, to find herself a widow reduced to poverty, and a family of young children to support, and unable to obtain any employment for which she is fitted as the means of supporting them. But men suffer too. It is no less hard for the poor, industrious, hard-working man to find what he earns wasted by an idle, extravagant, incompetent, and heedless wife, who prefers gadding and gossiping to taking care of her household. And how much easier is it for the man who is reduced from affluence to poverty, a widower with three or four motherless children to provide for? The reduction from affluence to poverty is sometimes the fault of the wife as well as of the husband. It is usually their joint fault. Women have wrongs, so have men; but a woman has as much power to make a man miserable as a man has to make a woman miserable; and she tyrannizes over him as often as he does over her. If he has more power of attack, nature has given her more power of defence. Her tongue is as formidable a weapon as his fists, and she knows well how, by her seeming meekness, gentleness, and apparent martyrdom, to work on his feelings, to enlist the sym-

pathy of the neighborhood on her side and against him. Women are neither so wronged nor so helpless as *The Revolution* pretends. Men can be brutal, and women can tease and provoke.

But let the evils be as great as they may, and women as greatly wronged as is pretended, what can female suffrage and eligibility do by way of relieving them? All modern methods of reform are very much like dram-drinking. The dram needs to be constantly increased in frequency and quantity, while the prostration grows greater and greater, till the drinker gets the *delirium tremens*, becomes comatose, and dies. The extension of suffrage in modern times has cured or lessened no social or moral evil; and under it, as under any other political system, the rich grow richer and the poor poorer. Double the dram, enfranchise the women, give them the political right to vote and be voted for; what single moral or social evil will it prevent or cure? Will it make the drunken husband temperate, the lazy and idle industrious and diligent? Will it prevent the ups and downs of life, the fall from affluence to poverty, keep death out of the house, and prevent widowhood and orphanage? These things are beyond the reach of politics. You cannot legislate men or women into virtue, into sobriety, industry, providence. The doubled dram would only introduce a double poison into the system, a new element of discord into the family, and through the family into society, and hasten the moment of dissolution. When a false principle of reform is adopted, the evil sought to be cured is only aggravated. The reformers started wrong. They would reform the church by placing her under human control. Their successors have in each generation found they did not go far enough, and have, each in its turn, struggled to push it further and further, till they find themselves without any church life, without faith, without religion, and beginning to doubt if there be even a God. So, in politics, we have pushed the false principle that all individual, domestic, and social evils are due to bad government, and are to be cured by political reforms and changes, till we have nearly reformed away all government, at least, in theory; have well-nigh abolished the family, which is the social unit; and find that the evils we sought to cure, and the wrongs we sought to redress, continue undiminished. We cry out in our delirium for another and a larger dram. When you proceed on a true principle, the more logically and completely you carry

it out the better; but when you start with a false principle, the more logical you are, and the further you push it, the worse. Your consistency increases instead of diminishing the evils you would cure.

The conclusive objection to the political enfranchisement of women is, that it would weaken and finally break up and destroy the Christian family. The social unit is the family, not the individual; and the greatest danger to American society is, that we are rapidly becoming a nation of isolated individuals, without family ties or affections. The family has already been much weakened, and is fast disappearing. We have broken away from the old homestead, have lost the restraining and purifying associations that gathered round it, and live away from home in hotels and boarding-houses. We are daily losing the faith, the virtues, the habits, and the manners without which the family cannot be sustained; and when the family goes, the nation goes too, or ceases to be worth preserving. God made the family the type and basis of society; "male and female made he them." A large and influential class of women not only neglect but disdain the retired and simple domestic virtues, and scorn to be tied down to the modest but essential duties—the drudgery, they call it—of wives and mothers. This, coupled with the separate pecuniary interests of husband and wife secured, and the facility of divorce *a vinculo matrimonii* allowed by the laws of most of the states of the Union, make the family, to a fearful extent, the mere shadow of what it was and of what it should be.

Extend now to women suffrage and eligibility; give them the political right to vote and to be voted for; render it feasible for them to enter the arena of political strife, to become canvassers in elections and candidates for office, and what remains of family union will soon be dissolved. The wife may espouse one political party, and the husband another, and it may well happen that the husband and wife may be rival candidates for the same office, and one or the other doomed to the mortification of defeat. Will the husband like to see his wife enter the lists against him, and triumph over him? Will the wife, fired with political ambition for place or power, be pleased to see her own husband enter the lists against her, and succeed at her expense? Will political rivalry and the passions it never fails to engender increase the mutual affection of husband and wife for each other, and promote domestic union and peace, or will it not

carry into the bosom of the family all the strife, discord, anger, and division of the political canvass?

Then, when the wife and mother is engrossed in the political canvass, or in discharging her duties as a representative or senator in congress, a member of the cabinet, or a major-general in the field, what is to become of the children? The mother will have little leisure, perhaps less inclination, to attend to them. A stranger, or even the father, cannot supply her place. Children need a mother's care; her tender nursing, her sleepless vigilance, and her mild and loving but unfailing discipline. This she cannot devolve on the father, or turn over to strangers. Nobody can supply the place of a mother. Children, then, must be neglected; nay, they will be in the way, and be looked upon as an encumbrance. Mothers will repress their maternal instincts; and the horrible crime of infanticide before birth, now becoming so fearfully prevalent, and actually causing a decrease in the native population of several of the states of the Union as well as in more than one European country, will become more prevalent still, and the human race be threatened with extinction. Women in easy circumstances, and placing pleasure before duty, grow weary of the cares of maternity, and they would only become more weary still if the political arena were open to their ambition.

Woman was created to be a wife and a mother; that is her destiny. To that destiny all her instincts point, and for it nature has specially qualified her. Her proper sphere is home, and her proper function is the care of the household, to manage a family, to take care of children, and attend to their early training. For this she is endowed with patience, endurance, passive courage, quick sensibilities, a sympathetic nature, and great executive and administrative ability. She was born to be a queen in her own household, and to make home cheerful, bright, and happy. Surely those women who are wives and mothers should stay at home and discharge its duties; and the woman's rights party, by seeking to draw her away from the domestic sphere, where she is really great, noble, almost divine, and to throw her into the turmoil of political life, would rob her of her true dignity and worth, and place her in a position where all her special qualifications and peculiar excellences would count for nothing. She cannot be spared from home for that.

It is pretended that woman's generous sympathies, her nice sense of justice, and her indomitable perseverance in

what she conceives to be right are needed to elevate our politics above the low, grovelling and sordid tastes of men; but while we admit that women will make almost any sacrifice to obtain their own will, and make less than men do of obstacles or consequences, we are not aware that they have a nicer or a truer sense of justice, or are more disinterested in their aims than men. All history proves that the corruptest epochs in a nation's life are precisely those in which women have mingled most in political affairs, and have had the most influence in their management. If they go into the political world, they will, if the distinction of sex is lost sight of, have no special advantage over men, nor be more influential for good or for evil. If they go as women, using all the blandishments, seductions, arts, and intrigues of their sex, their influence will tend more to corrupt and debase than to purify and elevate. Women usually will stick at nothing to carry their points; and when unable to carry them by appeals to the strength of the other sex, they will appeal to its weakness. When once they have thrown off their native modesty, and entered a public arena with men, they will go to lengths that men will not. Lady Macbeth looks with steady nerves and unblanched cheek on a crime from which her husband shrinks with horror, and upbraids him with his cowardice for letting "I dare not wait upon I would." It was not she who saw Banquo's ghost.

We have heard it argued that, if women were to take part in our elections, they would be quietly and decorously conducted; that her presence would do more than a whole army of police officials to maintain order, to banish all fighting, drinking, profane swearing, venality, and corruption. This would undoubtedly be, to some extent, the case, if, under the new *régime*, men should retain the same chivalric respect for women that they now have. Men now regard woman as placed in some sort under their protection, or the safeguard of their honor. But when she insists that the distinction of sex shall be disregarded, and tells us that she asks no favors, regards all offers of protection to her as a woman as an insult, and that she holds herself competent to take care of herself, and to compete with men on their own ground, and in what has hitherto been held to be their own work, she may be sure that she will be taken at her word, that she will miss that deference now shown her, and which she has been accustomed to claim as her right, and be treated with all the indifference men show to one another.

She cannot have the advantages of both sexes at once. When she forgets that she is a woman, and insists on being treated as a man, men will forget that she is a woman, and allow her no advantage on account of her sex. When she seeks to make herself a man, she will lose her influence as a woman, and be treated as a man.

Women are not needed as men; they are needed as women, to do, not what men can do as well as they, but what men cannot do. There is nothing which more grieves the wise and good, or makes them tremble for the future of the country, than the growing neglect or laxity of family discipline; than the insubordination, the lawlessness, and precocious depravity of Young America. There is, with the children of this generation, almost a total lack of filial reverence and obedience. And whose fault is it? It is chiefly the fault of the mothers, who fail to govern their households, and to bring up their children in a Christian manner. Exceptions there happily are; but the number of children that grow up without any proper training or discipline at home is fearfully large, and their evil example corrupts not a few of those who are well brought up. The country is no better than the town. Wives forget what they owe to their husbands, are capricious and vain, often light and frivolous, extravagant and foolish, bent on having their own way, though ruinous to the family, and generally contriving, by coaxings, blandishments, or poutings, to get it. They set an ill example to their children, who soon lose all respect for the authority of the mother, who, as a wife, forgets to honor and obey her husband, and who, seeing her have her own way with him, insist on having their own way with her, and usually succeed. As a rule, children are no longer subjected to a steady and firm, but mild and judicious discipline, or trained to habits of filial obedience. Hence, our daughters, when they become wives and mothers, have none of the habits or character necessary to govern their household and to train their children. Those habits and that character are acquired only in a school of obedience, made pleasant and cheerful by a mother's playful smile and a mother's love. We know we have not in this the sympathy of the women, whose organ is *The Revolution*. They hold obedience in horror and seek only to govern, not their own husbands only, not children, but men, but the state, but the nation, and to be relieved of household cares, especially of child-bearing, and of the duty of bringing up children. We

should be sorry to do or say any thing which these, in their present mood, could sympathize with. It is that which is a woman's special duty in the order of providence, and which constitutes her peculiar glory, that they regard as their great wrong.

The duty we insist upon is especially necessary in a country like ours, where there is so little respect for authority, and government is but the echo of public opinion. Wives and mothers, by neglecting their domestic duties and the proper family discipline, fail to offer the necessary resistance to growing lawlessness and crime, aggravated, if not generated, by the false notions of freedom and equality so widely entertained. It is only by home discipline, and the early habits of reverence and obedience to which our children are trained, that the license the government tolerates, and the courts hardly dare attempt to restrain, can be counteracted, and the community made a law-loving and a law-abiding community. The very bases of society have been sapped, and the conditions of good government despised, or denounced under the name of despotism. Social and political life is poisoned in its source, and the blood of the nation corrupted, and chiefly because wives and mothers have failed in their domestic duties, and the discipline of their families. How, then, can the community, the nation itself, subsist, if we call them away from home, and render its duties still more irksome to them, instead of laboring to fit them for a more faithful discharge of their duties?

We have said the evils complained of are chiefly due to the women, and we have said so because it grows chiefly out of the neglect of their families. The care and management of children during their early years belong specially to the mother. It is her special function to plant and develop in their young and impressible minds the seeds of virtue, love, reverence, and obedience, and to train her daughters, by precept and example, not to be looking out for an eligible *parti*, nor to catch husbands that will give them splendid establishments, but to be, in due time, modest and affectionate wives, tender and judicious mothers, and prudent and careful housekeepers. This the father cannot do; and his interference, except by wise counsel, and to honor and sustain the mother, will generally be worse than nothing. The task devolves specially on the mother; for it demands the sympathy with children which is peculiar to the female heart, the strong maternal instinct implanted by nature, and directed by a

judicious education, that blending of love and authority, sentiment and reason, sweetness and power, so characteristic of the noble and true-hearted woman, and which so admirably fit her to be loved and honored, only less than adored, in her own household. When she neglects this duty, and devotes her time to pleasure or amusement, wasting her life in luxurious ease, in reading sentimental or sensational novels, or in following the caprices of fashion, the household goes to ruin, the children grow up wild, without discipline, and the honest earnings of the husband become speedily insufficient for the family expenses, and he is sorely tempted to provide for them by rash speculation or by fraud, which, though it may be carried on for a while without detection, is sure to end in disgrace and ruin at last. Concede now to women suffrage and eligibility, throw them into the whirlpool of politics, set them to scrambling for office, and you aggravate the evil a hundred-fold. Children, if suffered to be born, which is hardly to be expected, will be still more neglected; family discipline still more relaxed, or rendered still more capricious or inefficient; our daughters will grow up more generally still without any adequate training to be wives and mothers, and our sons still more destitute of those habits of filial reverence and obedience, love of order and discipline, without which they can hardly be sober, prudent, and worthy heads of families, or honest citizens.

We have thus far spoken of women only as wives and mothers; but we are told that there are thousands of women who are not and cannot be wives and mothers. In the older and more densely settled states of the Union there is an excess of females over males, and all cannot get husbands if they would. Yet, we repeat, woman was created to be a wife and a mother, and the woman that is not fails of her special destiny. We hold in high honor spinsters and widows, and do not believe their case anywhere need be or is utterly hopeless. There is a mystery in Christianity which the true and enlightened Christian recognizes and venerates—that of the Virgin-Mother. Those women who cannot be wives and mothers in the natural order, may be both in the spiritual order, if they will. They can be wedded to the Holy Spirit, and be the mothers of minds and hearts. The holy virgins and devout widows who consecrate themselves to God in or out of religious orders, are both, and fulfil in the spiritual order their proper destiny. They are married to a celestial Spouse, and become mothers to the

motherless, to the poor, the destitute, the homeless. They instruct the ignorant, nurse the sick, help the helpless, tend the aged, catch the last breath of the dying, pray for the unbelieving and the cold-hearted, and elevate the moral tone of society, and shed a cheering radiance along the pathway of life. They are dear to God, dear to the church, and dear to Christian society. They are to be envied, not pitied. It is only because you have lost faith in Christ, faith in the holy Catholic Church, and have become gross in your minds, of "the earth, earthy," that you deplore the lot of the women who cannot, in the natural order, find husbands. The church provides better for them than you can do, even should you secure female suffrage and eligibility.

We do not, therefore, make an exception from our general remarks in favor of those who have and can get no earthly husbands, and who have no children born of their flesh to care for. There are spiritual relations which they can contract, and purely feminine duties, more than they can perform, await them, to the poor and ignorant, the aged and infirm, the helpless and the motherless, or, worse than motherless, the neglected. Under proper direction, they can lavish on these the wealth of their affections, the tenderness of their hearts, and the ardor of their charity, and find true joy and happiness in so doing, and ample scope for woman's noblest ambition. They have no need to be idle or useless. In a world of so much sin and sorrow, sickness and suffering, there is always work enough for them to do, and there are always chances enough to acquire merit in the sight of Heaven, and true glory, that will shine brighter and brighter for ever.

We know men often wrong women and cause them great suffering by their selfishness, tyranny, and brutality; whether more than women, by their follies and caprices, cause men, we shall not undertake to determine. Man, except in fiction, is not always a devil, nor woman an angel. Since the woman's rights people claim that in intellect woman is man's equal, and in firmness of will far his superior, it ill becomes them to charge to him alone what is wrong or painful in her condition, and they must recognize her as equally responsible with him for whatever is wrong in the common lot of men and women. There is much wrong on both sides; much suffering, and much needless suffering, in life. Both men and women might be, and ought to be, better than they are. But it is sheer folly or madness to suppose that either

can be made better or happier by political suffrage and eligibility; for the evil to be cured is one that cannot be reached by any possible political or legislative action.

That the remedy, to a great extent, must be supplied by woman's action and influence we concede, but not by her action and influence in politics. It can only be by her action and influence as woman, as wife, and mother; in sustaining with her affection the resolutions and just aspirations of her husband or her sons, and forming her children to early habits of filial love and reverence, of obedience to law, and respect for authority. That she may do this she needs not her political enfranchisement, or her entire independence of the other sex, but a better and more thorough system of education for her daughters—an education that specially adapts them to the destiny of their sex, and prepares them to find their happiness in their homes, and the satisfaction of their highest ambition in discharging its manifold duties, so much higher, nobler, and more essential to the virtue and well-being of the community, the nation, society, and to the life and progress of the human race, than any which devolve on king or kaiser, magistrate or legislator. We would not have their generous instincts repressed, their quick sensibilities blunted, or their warm, sympathetic nature chilled, nor even the lighter graces and accomplishments neglected; but we would have them all directed and harmonized by solid intellectual instruction, and moral and religious culture. We would have them, whether rich or poor, trained to find the centre of their affections in their home; their chief ambition in making it cheerful, bright, radiant, and happy. Whether destined to grace a magnificent palace, or to adorn the humble cottage of poverty, this should be the ideal aimed at in their education. They should be trained to love home, and to find their pleasure in sharing its cares and performing its duties, however arduous or painful.

There are comparatively few mothers qualified to give their daughters such an education, especially in our own country; for comparatively few have received such an education themselves, or are able fully to appreciate its importance. They can find little help in the fashionable boarding-schools for finishing young ladies; and in general these schools only aggravate the evil to be cured. The best and the only respectable schools for daughters that we have in the country are the conventual schools taught by women

consecrated to God, and especially devoted to the work of education. These schools, indeed, are not always all that might be wished. The good religious sometimes follow educational traditions perhaps better suited to the social arrangements of other countries than of our own, and sometimes underrate the value of intellectual culture. They do not always give as solid an intellectual education as the American woman needs, and devote a disproportionate share of their attention to the cultivation of the affections and sentiments, and to exterior graces and accomplishments. The defects we hint at are not, however, wholly, nor chiefly, their fault; they are obliged to consult, in some measure, the tastes and wishes of parents and guardians, whose views for their daughters and wards are not always very profound, very wise, very just, or very Christian. The religious cannot, certainly, supply the place of the mother in giving their pupils that practical home training so necessary, and which can be given only by mothers who have themselves been properly educated; but they go as far as is possible in remedying the defects of the present generation of mothers, and in counteracting their follies and vain ambitions. With all the faults that can be alleged against any of them, the conventual schools, even as they are, it must be conceded, are infinitely the best schools for daughters in the land, and, upon the whole, worthy of the high praise and liberal patronage their devotedness and disinterestedness secure them. We have seldom found their graduates weak and sickly sentimentalists. They develop in their pupils a cheerful and healthy tone, and a high sense of duty; give them solid moral and religious instruction; cultivate successfully their moral and religious affections; refine their manners, purify their tastes, and send them out feeling that life is serious, life is earnest, and resolved always to act under a deep sense of their personal responsibilities, and meet whatever may be their lot with brave hearts and without murmuring or repining.

We do not disguise the fact that our hopes for the future, in great measure, rest on these conventual schools. As they are multiplied, and the numbers of their graduates increase, and enter upon the serious duties of life, the ideal of female education will become higher and broader; a nobler class of wives and mothers will exert a healthy and purifying influence; religion will become a real power in the republic; the moral tone of the community and the standard

of private and public morality will be elevated; and thus may gradually be acquired the virtues that will enable us as a people to escape the dangers that now threaten us, and to save the republic as well as our own souls. Sectarians, indeed, declaim against these schools, and denounce them as a subtle device of Satan to make their daughters "Romanists;" but Satan probably dislikes "Romanism" even more than sectarians do, and is much more in earnest to suppress or ruin our conventual schools, in which he is not held in much honor, than he is to sustain and encourage them. At any rate, our countrymen who have such a horror of the religion it is our glory to profess that they cannot call it by its true name, would do well, before denouncing these schools, to establish better schools for daughters of their own.

Now, we dare tell these women who are wasting so much time, energy, philanthropy, and brilliant eloquence in agitating for female suffrage and eligibility, which, if conceded, would only make matters worse, that, if they have the real interest of their sex or of the community at heart, they should turn their attention to the education of daughters for their special functions, not as men, but as women who are one day to be wives and mothers—woman's true destiny. These modest, retiring sisters and nuns, who have no new theories or schemes of social reform, and upon whom you look down with haughty contempt, as weak, spiritless and narrow-minded, have chosen the better part, and are doing infinitely more to raise woman to her true dignity, and for the political and social as well as for the moral and religious progress of the country, than you with all your grand conventions, brilliant speeches, stirring lectures, and spirited journals.

For poor working-women and poor working-men, obliged to subsist by their labor, and who can find no employment, we feel a deep sympathy, and would favor any feasible method of relieving them with our best efforts. But why cannot American girls find employment as well as Irish and German girls, who are employed almost as soon as they touch our shores, and at liberal wages? There is always work enough to be done if women are qualified to do it, and are not above doing it. But be that as it may, the remedy is not political, and must be found, if found at all, elsewhere than in suffrage and eligibility.

## ARTICLE II.*

[From Brownson's Quarterly Review for October, 1873.]

In May, 1869, I published in the *Catholic World* an article on the Woman Question which attracted some attention, and was rather coarsely responded to in *The Revolution* by my old friend Mrs. Elizabeth Cady Stanton, at which I was a little surprised, for when I was intimate with her and her husband, she was very gentle, refined, and lady-like in her manners. Her response, setting aside a little superfluous scolding, which indicated that she had soured with exposure, increase of years, and family cares, was that "a Catholic and a foreigner could never understand American institutions." As to the foreigner, the writer of the article is an American, who can trace his descent on the paternal side from one of the first settlers with Hooker of the Hartford colony, Connecticut, and on the maternal side, collaterally at least, to the pilgrims that came over in the Mayflower. There are few Americans that can claim a longer American pedigree, which is not improbably somewhat longer than that of dear Mrs. Elizabeth Cady Stanton herself. I remember the time when she thought I understood American institutions, and do not believe that even now she will pretend that I lost my understanding on becoming a Catholic.

We do not believe that intelligent foreigners who seriously study our institutions, whatever that term may mean, are incapable of understanding them. We Americans are, in some respects, like a certain class of women, who fancy that they have something peculiar about them that nobody understands—neither father nor mother, neither sister nor brother, neither lover nor husband—and that they are doomed to go through life without ever being once understood. The trouble with these unhappy women is that they do not understand themselves, and have very little in or about them but their unrest, for any one else to understand. It is pretty much the same with us Americans. We are a restless, capricious, changeable set of mortals, without any fixed or permanent character, except that of imagining that we are a peculiar and superior people. We are, as a people, eaten up with vanity and conceit. We are never satisfied with

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* 1. *Women's Suffrage: the Reform Against Nature.* By Horace Bushnell. New York: 1869.
2. *The Woman who Dared.* By Epes Sargent. Boston: 1870.

what we are, or with what we have. We are behind most nations in intellectual and moral culture; compare our state papers, for proof, with those of Mexico or of any of the Central or South American republics, we might say, those of China or Japan. Our merchants can bear no comparison with those of Great Britain, France, or Holland; and the English, the Irish, the Scotch, the French, the Dutch, the Germans, easily beat us Yankees, here in our own country, in money-getting, and the Jews easily distance our shrewdest financiers.

It is no wonder that it seems to us that foreigners do not understand either our character or our institutions. They can judge them only as they are or as they find them; while we ourselves think and judge them not as they are, but as we expect in a nigh future to make them, or as they exist in our hopes and imaginations. We have no fixed or stable national character, no fixed or stable institutions. Both are constantly changing under the very eye of the spectator; but as we change with them, we note it not. The American people have no longer the character they had, nor so much character as they had in our own youth, and the laws and institutions, daily subjected to a reforming process, are hardly any longer recognizable. How then should foreigners understand us? The Trollopes, the Hamiltons, the Marryats, the Dickenses, *et id omne genus*, have said very little of us that is absolutely untrue, or that was so at the time they said it, or allowing for a little exaggeration that was not true. The great defect in the American character is that we cannot let well alone, are always trying experiments as if nothing had hitherto been tried and settled, and are carried away by a mania for reform which reforms nothing, and which only keeps us always in hot water and makes matters worse.

Out of this mania for reform, or this unrest, which is by no means confined to the American people, but is nearly as much English as it is American, has arisen what we call the woman question, or movement for female suffrage and eligibility, a continuation of the late abolition movement, and even less justifiable. Nobody really regrets the abolition of slavery; but the way in which it was done, and the means which were adopted to effect it, have left behind them a train of evils of which we have not yet seen the last or the worst. The men and women who took an active part in the movement were surprised and nearly deprived of

their occupation by its success, and would have found themselves excessively wretched, but for a new or imaginary grievance to be redressed. This new grievance is what they call the enslavement of woman, or the denial to her of the political rights of suffrage and eligibility. She is now politically the slave to man, who claims to be, as father, brother, husband, or citizen, her lord and master. She must be emancipated, enfranchised, placed politically, as well as in all other respects, on a footing of equality with man. So, by substituting difference of sex for difference of race or complexion, they repeat without any expenditure of thought their old abolition lectures, harangues, and declamations, and claim to be laboring in the noble cause of liberty and the sacred interests of humanity, just as if there were no higher and more sacred name than that of humanity.

These people, some of them of one sex and some of the other—we have some scruples about the propriety of calling them men and women—tell us that the sexes are equal, or rather that women are equal to men, and, as the Irishman said, "a deal more so," and that women have, by nature at least, equal rights with men. Suffrage and eligibility are natural rights, to which women have the same title as men, and therefore to deprive women of them while they are protected for men is an act of injustice. They are created as free and independent as the men, and to deprive them of these rights is to subject them, indeed to enslave them, to the masculine sex, and is as anti-democratic as it is unjust, and as much a violation of the American principles of equal rights, on which the government is founded, as was negro-slavery itself. Right, justice, equality, consistency, therefore, require the enfranchisement of women.

How those who hold the democratic principle, and maintain that suffrage and eligibility are natural rights which can be forfeited only by crime, can consistently deny this conclusion or logically resist this demand, is more than we can understand. The only ground which we can imagine, on which they can pretend to do it, is that it is repugnant to common sense and would be pernicious in practice. But this is a condemnation of democracy, and requires the rejection of the principles from which female suffrage and eligibility are a logical consequence. All true or sound principles are practical, and can never prove hurtful in practice. When we shrink from the practical application of our principles, we condemn not the application, but the principles or

our own logical consistency. When I admitted with the majority of my countrymen, the premises from which the woman's rights people reason, as I did when a young man, I then and unequivocally defended the same conclusion that the woman's rights party do, and I should do the same to-day if I held the same premises. We are utterly opposed to the demand of the woman's rights people, but we owe it to them to say that they differ from the great bulk of their countrymen only in that they are more logical, and have the courage of their principles.

Now we agree entirely with the American congress of 1776, when they say they hold as self-evident that "all men are created equal" and are "endowed with certain inalienable rights, among which are life, liberty, and the pursuit of happiness;" but when they say that "all just governments derive their powers from the consent of the governed," we do by no means accept their dictum, for reasons which we gave in the article on the *Democratic Principle*. We, therefore, do not admit that either suffrage or eligibility, the right to vote or to be voted for, is a natural right for either man or woman, in which respect, we are happy to find that Dr. Bushnell, the distinguished author of the first of the two works we have placed at the head of this article, fully agrees with us. Natural rights are those which are held prior to and independent of civil society, and which every civil society, whatever its form or constitution, is bound by the law of nature, the moral law, that is, the law of God, promulgated through natural reason, to recognize, respect, protect, and defend. The right to vote, as well as the right to be voted for, is a civil right—a right which, if held at all, is held from God through civil society and therefore not prior to it, and consequently, as Judge Hunt decided, in the case of Susan B. Anthony, not a natural right held independently of the civil constitution. It is a right which depends on the civil law; and can be claimed and exercised only by virtue of the civil law; consequently is the natural and inalienable right of neither man nor woman. The question of suffrage and eligibility is a question not of natural but of civil or political right. The denial of either is the denial of no natural right, and consequently no injustice is done to those to whom it is denied, whether they be men or women.

This disposes of the question as one of natural right, and resolves the whole question of suffrage and eligibility into a question of civil or political expediency, of which the polit-

ical society, when constituted, is the judge. Providence gives to each people or nation its political constitution, for no people or nation is a people or nation without some sort of political constitution. Individual men and women do not and cannot create the state, any more than they do or can create themselves. The state is for them, but, restricted by the natural and revealed law of God, it is above them and governs them. In this providential constitution, which constitutes the people or nation a state, and clothes it with the right and ability to govern,—is the law that governs the state and that determines the expediency or inexpediency of extending or restricting suffrage. What is called universal suffrage with us is of doubtful utility in securing the common or public good, and has very little practical effect, except in giving employment to swarms of demagogues and petty politicians, and filling all the offices of the several states and of the Union with men of low character, small brains, and no statesmanship. Yet we can see nothing of much importance that would be gained by restricting it, were that practical, as it certainly is not. The chief danger to good government does not arise from the classes that restricted suffrage would exclude, but from the classes that in any readjustment of the franchise would be included. The ruin of our republic will come, if at all, not from those usually looked upon as the "dangerous classes," who are chiefly troublesome to the police; but from the so-accounted better classes, the business classes, who seek, and but too successfully, to convert the government into an agency for the promotion of their private interests.

We can see nothing that either the country or the women themselves would gain by the introduction of female suffrage and eligibility. As to the country, it would introduce into the elections or into the government no additional wisdom or virtue; for the women of a nation are superior in neither to the men, and, thrown into the political arena, they would most likely prove themselves inferior in both. The very fact that woman is physically the weaker vessel, physically weaker than man, renders her less morally independent, less frank, open, and straightforward, and in a contest with man, compels her to resort to art, artifice, intrigue, in which alone she can equal or surpass him. Her accession to the political body could, therefore, only introduce an additional element of political and moral corruption. The government controlled by women for the private interests of their sex,

would in no sense be better than the government controlled by men for the private interests of the male sex, and would be far less equal, for man rarely, if ever, separates his private interest from that of woman—his mother, his sister, his wife, his daughter, or even his mistress. He always includes in his private interest that of some woman; and if he cheats, steals, robs, swindles, gives or takes bribes, it is almost always for the sake of his Eve, or at least for the sake of his family. As between the sexes, man, as becomes him, is the more disinterested of the two, though in his mind they are hardly two, and Genesis expresses the feeling of almost every man, when it says God "made man after his own image and likeness; male and female made he them."

It is not we who would depreciate the virtue of woman, in her relations of wife, mother, daughter, or domestic friend. We recognize her merits as a religious, her rare administrative ability as the head of communities of nuns, for in all those relations she is under the direction of male superiors, directors, or supervisors. We do not believe women, unless we acknowledge individual exceptions, are fit to have their own head. The most degraded of the savage tribes are those in which the women rule, and descent is reckoned from the mother instead of the father. Revelation asserts, and universal experience proves that the man is the head of the woman, and that the woman is for the man, not the man for the woman; and his greatest error, as well as the primal curse of society is that he abdicates his headship, and allows himself to be governed, we might almost say, deprived of his reason, by woman. It was through the seductions of the woman, herself seduced by the serpent, that man fell, and brought sin and all our woe into the world. She has all the qualities that fit her to be a help-meet of man, to be the mother of his children, to be their nurse, their early instructress, their guardian, their life-long friend; to be his companion, his comforter, his consoler in sorrow, his friend in trouble, his ministering angel in sickness; but as an independent existence, free to follow her own fancies and vague longings, her own ambition and natural love of power, without masculine direction or control, she is out of her element, and a social anomaly, sometimes a hideous monster, which men seldom are, excepting through woman's influence. This is no excuse for men, but it proves that women need a head, and the restraint of father, husband, or the priest of God.

We do not think it desirable, therefore, to introduce the

feminine element into politics, or to enfranchise our women. The government would gain nothing, while the family, domestic life, and society, could not but greatly suffer by it. Moreover, women generally do not desire it. Their present cares and burdens are as great as they can bear, and they feel that the proposed elevation would prove a degradation. They regard their domestic duties as infinitely more important than any public duties they could perform as electors, as members of state legislatures or of congress, as governors, presidents, or secretaries of state. Considering the men usually selected of late to fill such places, it can hardly be an object of laudable ambition to be even a president of the United States: any other honest way of getting a living were far more honorable.

Not only would the government or politics gain nothing by the so-called enfranchisement of women, but the women themselves would gain nothing, while they would unquestionably lose much. We do not like the word enfranchisement as used by our woman's rights people. Woman is not more a slave to man than man is to woman; and she tyrannizes over him even more than he does over her. He is her physical superior, and can and often does beat her, but she has weapons of offence, if not of defence, not much inferior to his. Even her tongue is a weapon that is more effectual than a man's fist, as Lucretia Mott, the Quakeress preacher, practically proved to us personally some years ago at the tea-table of one of her nieces. A woman has a thousand ways in which she can annoy her husband or even father, and render his home a hell on earth, and all the time appear to be a victim of his coarseness and brutality, and be regarded by all her neighbors, especially her male neighbors and friends, as a meek, gentle, sweet-tempered, suffering angel. We are too old, and have seen too much of life to hold that every woman is an angel, and every man, especially if a husband, is a devil. We do not believe that upon an average women are much better or worse than men, or that men are much worse or better than women; and we think men suffer as much from women as women do from men, and *vice versa*, and that each sex is equally capable, if so disposed, of adding to the happiness or the misery of the other. We are sorry that the claims on behalf of women, by the woman's rights people, and their declamations about the brutality and tyranny of men, force us into making remarks of this sort for the protection of society. Neither

sex should ever be set against the other. Each has furnished examples of terrible depravity, and each has peopled heaven with innumerable saints and martyrs, and the highest honor the church pays to any creature she pays to the blessed Virgin, a woman, who has more than repaired the fault of our first mother, and even reversed her name, and made it a salutation and a blessing.

Woman, at least with us, is not enslaved, and in no respect has man turned his power of legislator against her, except in certain cases, soon to be mentioned, in which he has sought to benefit her rather than himself. She enjoys all the natural rights, "life, liberty, property, and the pursuit of happiness," as fully and as securely as he does, and she has all the civil rights that he has, and all the difference is that she is freed from certain public duties that devolve on him, and which if duly considered are heavy burdens. It would be hard to say how women could be more free than they are, or what rights the law can give them which they have not, or what legal disadvantage they labor under. For years the law has been very much modified in their favor, and in most of the states so modified as to render the wife practically independent of her husband. She holds her own estate, can receive devises and legacies and appropriate them, claim and use without his leave her own earnings, and, if we do not mistake, is not obliged, whatever his means, to contribute any thing to the family expenses, not even to her own, unless she chooses. At any rate her property is not holden for his debts, while his is holden for hers, unless contracted in the way of separate business operations of her own. If he breaks a tea-cup or saucer which belongs to her she can sue him for damages. If she takes it into her head to desert his bed and board, and neglect all her duties as wife and mother, she is free to do so, and the husband cannot help himself, if she has property or means enough of her own with which to support herself. Indeed the law secures her so much freedom and so many advantages that prudent young men are becoming almost afraid to marry, and perhaps, would become wholly so, were it not that the law allows the husband to hold his property in his wife's name, and thus defraud his creditors.

What law, indeed, has man enacted that bears hardly on woman, and which, if she had legislative power, she would repeal? The only law against which the woman's rights people specifically declaim, as far as we can ascertain, is the

law of Christian marriage, which binds indissolubly, except by death, one woman to one man, and requires her, forsaking all others, to cleave unto him alone, and to love, cherish, and obey him, as her head, as Christ is the head of the church. This law they denounce as cruel, tyrannical, and peculiarly oppressive to women. But this law has not been made and imposed by the male sex, nor by any human legislation. It is the law made and imposed on man by the supreme Lawgiver in the day he created man male and female, instituted marriage, blessed them, and bid them multiply and replenish the earth. It expresses the will and the reason of the supreme Lawgiver, who is himself the supreme God, and it is hardly to be supposed that Mary Wollstonecraft, Frances Wright, Elizabeth Cady Stanton, Susan B. Anthony, Mrs. Beecher Hooker, or the aged Lucretia Mott, knows better what is for our good than he who has made us. The law is no harder for the woman than it is for the man, for it binds him with the same bond that it does her; and it is even less difficult, and requires less self-restraint, on the part of the woman, owing to her natural constitution, to keep the bond, than on the part of the man. The permanence or indissolubility of the marriage bond, except by death, so far as there is any difference, is in favor of the woman rather than of the man, for she fades sooner, and becomes old earlier, except in the eyes of a loving husband, who cherishes her as the companion of his youth, his life-long friend and associate. To him she becomes more attractive with years, and his affection is only increased and made more tender by the age and infirmity, which render a new connection for her quite out of the question.

The indissolubility of marriage tends to promote the happiness, not the misery of married life, for most people without much difficulty reconcile themselves to the inevitable, and soon cease to struggle against it. Knowing that they are bound for life, both husband and wife, unless already corrupted, close their eyes and shut up their desires to all forbidden fruit, refuse to suffer their imaginations to stray beyond the sphere of duty, and strive mutually to be loving and agreeable to each other. Marriages are much happier, and domestic life much more peaceful and pleasant, where divorces are unknown, and not to be thought of, than where they can be had very nearly for the asking, as they can be in several of the states of the Union. Experience proves that the law of God once departed from, and divorce *a vinculo*

allowed in any case, there is no practical stopping-place this side of the total abolition of marriage. It is, either no divorce *a vinculo*, or divorce *ad libitum*. It is not easy for a man who has descended part of the way down the Falls of Niagara, to arrest his descent, and remain stationary. The force of gravity will force him downwards, and plunge him into the gulf of waters at the foot.

The advocates of woman suffrage and eligibility are moved principally, whether men or women, by the desire to abolish Christian marriage and introduce in its place what is called FREE-LOVE. The whole movement, disguise it as we will, is a free-love movement. It seeks to abolish duty or obligation, for what it calls love. Its principle is that love cannot be constrained, and will not be regulated by a sense of duty, the satanic doctrine inculcated by nearly all modern popular literature, especially by our novels written by women. The real marriage, the marriage in the sight of heaven, as the modern doctrine blasphemously asserts, is in the mutual love of the parties. Where the love is not, there is no marriage, and cohabitation is prostitution: wherever it is and so long as it lasts, cohabitation as man and wife is lawful, is pure and holy, the only true marriage. This is the free-love doctrine, as we understand it, and as we have heard it talked and have seen it acted on from our youth up. Do our woman's rights women understand this? It abolishes wifehood, and for the wife it substitutes the mistress, and makes the end of the relation pleasure, really sensual pleasure. Is sensual pleasure the end of life? Is the union of the sexes for that end alone, or chiefly for that end? And are prostitutes infamous only because they are mercenary, and sell for a fee what would be pure and holy if given from love? Is the title of mistress more honorable than that of wife? Is the mistress more secure than the wife? Then, women should know that love divorced from duty is a transient sentiment, and never lasts. As soon as the man's love is satiated, and his mistress has lost her power of pleasing him, what, as he incurred no obligation to her, is to prevent him from abandoning her, and taking a new and fresh mistress?

But she has, you will say, the same liberty to abandon him, and take to herself a new lover. But suppose, what may well happen, that a strong attachment on the side of one of the parties, and an equally strong aversion on the side of the other may have sprung up, that one of the parties has ceased to love while the other has not, or has found a new

love, while the other is satisfied with the old love, how is the matter to be adjusted without lesion to the love of either? Put it any way you please, and the woman will be the losing party. While young or not past her prime, she may form new connections or many new connections, each shorter-lived than the first, but none on which she can rely when old, wrinkled, sour-visaged, and infirm. It is not every woman that can be a Ninon de l'Enclos. And, we may add, that after she has formed some dozen or half a dozen connections or provisional marriages, a man would no more seek her than he would the battered inmate of a brothel.

There is another consideration which the advocates of free-love, provisional marriage, or divorce *ad libitum* overlook, or to which they do not pay that attention its importance demands. The principal end of marriage is the procreation, nurture, and education of children, not the simple sensual pleasure of the man and the woman. Under the proposed free-love system are no children to be born? If children are born to whom are they to belong? What home are they to know? Who is to take care of them, provide for their proper instruction, education, and settlement in life? This is a serious matter. If no children are to be permitted to be born, which seems to be what is intended, the system cannot become general without the race becoming extinct. We observe that one of the strongest proofs alleged of masculine tyranny is the fact that it imposes on women the burden of child-bearing, and all the pains, cares, and hardships of maternity. Under the free-love system children will be a nuisance, and their birth will probably, by methods now known and extensively practised, be prevented, or, if they are not murdered before birth, in the fœtal state, it will be necessary to farm them out with some avaricious, heartless spinsters, who will soon contrive to prevent them from ever troubling their unnatural parents in this world. Parents who are only provisionally married have no permanent home for their children, and, living for pleasure only, they cannot care for their bringing up, or their proper moral and religious training. Indeed, the abolition of Christian marriage would be the abolition of children and maternity.

Perhaps there are individuals clamoring for female suffrage and eligibility, or the so-called political enfranchisement of woman, who hold free-love in horror, and marriage and the family in profound respect; but if there are, we

have never had the happiness of meeting with them. Such certainly were not the originators of the movement, Mary Wollstonecraft or Frances Wright; such was not William Godwin, when he wrote, in 1794, his "Enquiry concerning Political Justice;" such was not the French convention or assembly that abolished Christian marriage, and declared marriage a civil contract, and dissoluble almost at will of the parties; such are not the more recent Internationals and Communards. We have never encountered or conversed with a single member of the party, man or woman, who does not regard the marriage laws, or as we say, Christian marriage, as the principal grievance to be redressed. The reformers in the sixteenth century did not, that is, the more decent of them did not, openly advocate free-love, but they attacked Christian marriage, and asserted the liberty of divorce *a vinculo*, which asserts free-love, in principle at least. It is this fact that renders the movement specially objectionable, and, when it is sustained by the general tendencies of an age or country, exceedingly dangerous. There is no home without the wife, no family without the mother, and no society without the family; for all normal society makes the family, not the individual as we are attempting to do, its unit. God "created man in his own image and likeness: male and female made he them." God is triune, and, as Donoso Cortés well argues, it is the family—the husband, wife, and child—not the individual, that in society copies the ever-blessed Trinity, or presents an image of the eternal relations of the Godhead.

There is no doubt that women are exposed to many hardships and are compelled to bear many grievances, some through the fault of men, and some through their own fault; but they are beyond the reach of political power, administrative or legislative, to redress. The enfranchisement of woman might aggravate them, but would in no sense lighten them. Suffrage and eligibility are duties, not rights, and are a charge or burden, if properly considered. If they confer power, it is power to be intelligently and conscientiously exercised for the public good, not for one's private benefit. We know that this is seldom regarded, and that few strictly conscientious votes are cast in elections. Indeed, the caucus system, and the moral necessity that one is under, of voting for the candidates of his party, deprive suffrage both of its freedom and independence. Last November one was obliged, if he voted at all, to vote for General Grant or

Horace Greeley, or throw his vote away. The talk about free and independent suffrage can hardly deceive any one. Universal suffrage is impracticable, for if every voter was left free to vote freely and independently according to his own judgment and choice, the votes would be so divided that there would be no election. Party organizations, caucuses, and well-known electioneering methods and measures, are all so many evidences of the impracticability of universal suffrage, if left to itself or to operate freely and independently, and are resorted to for the very purpose of controlling the choice of the free and independent electors, and concentrating their votes on candidates who are agreed upon in caucus by secret wire-pullers and irresponsible party managers. Were it not so, there would and could be no elections where there is a numerous constituency. Few elections are determined at the polls.

Politicians know this, and say it is necessary, for a popular government cannot be carried on without party organizations, in which respect they are doubtless right; but if so, it only proves that so-called popular government is an impracticable government. The people have no more direct influence under our form of government than under any other form of government, except oriental despotism; they are only the more effectually humbugged, that is all. In every nation the mass of the people are born to be led, and the few are born to lead. This is the fact, war against it as we will, and the chief advantage of a democracy, as far as we can see, is that it opens the door for those born to lead in trade and industry, through their factors, the lawyers, to usurp the lead in politics, legislation, and government, for which they have no natural vocation. Ours is the most expensive government in the world, and our people are the most extravagant and wasteful. We are always clamoring for reform, and every reforming party no sooner succeeds than there is more need of reform than ever. The cry for reform means, "You go out and let us come in."

Now we cannot see what possible benefit can result to the country by including women in the electoral people, to go through the solemn farce of voting for a cut-and-dried ticket, or what additional public spirit, intelligence, wisdom, or statesmanship would be gained by electing a woman for president, or women for representatives in congress, for governors of states, or members of state legislatures. We know not what element needed for the wise and salutary govern-

ment of the Union or of the several states, that she can supply any better than it is supplied by the other sex. Do women understand better than men the political wants of the country; the practical bearing of administrative or legislative measures; or are they more skilful in finance, better versed in political economy, or more capable of solving the terrible problem of the relations of capital and labor, the *pons asinorum* of modern statesmanship? Women surpass men in the management of household affairs, which is their special vocation; they also excel in the simplicity of their views, the tenacity with which they cling to a resolution once taken, and the energy and perseverance with which they labor to carry it out. If the question is a simple one, without complications in practice, and is to be solved without regard to any other question, without reference to practical interests or consequences, we are not sure but woman would make the better legislator. Thus in the abolition movement her assistance was invaluable; for, having made up her mind that slavery was a wrong to humanity, she was troubled by no legal or constitutional scruples about the right of congress to abolish it; about depriving slaveholders, without indemnification, of their property which they held in good faith under the civil law, or the consequences to the slave, turned out of house and home, and deprived of his master's care and his master's kitchen. Slavery is wrong, and must be undone, though in undoing it, a far greater wrong is done than slavery itself. So again, drunkenness is an evil, is a sin; and the legislature must be called upon to prohibit the sale of intoxicating liquors, without any consideration of the interests or even the rights involved. Here, too, woman's assistance, if in the legislature, would be invaluable, and, after the abolition of the marriage laws in favor of free-love, the chief motive with the men who support what they call the enfranchisement of women, is to obtain their votes for their Maine-liquor-law fanaticism. We go as far as any Christian man can, in suppressing by moral and religious means the terrible vice of intemperance, but we deny the right of the legislature to prescribe what we may or may not eat or drink, as we do its right to prescribe what religion we may or may not profess. There are personal and individual rights which the state must hold sacred. It may punish their abuse when the abuse becomes a social grievance or nuisance, but not interfere with their use, or their abuse even, when it does not extend beyond the individual, or disturb the public, or violate its rights.

Female suffrage and eligibility are desired by fanatics of every class, for women are by their very nature, by those very qualities which so admirably fit them to be wives and mothers, far more susceptible of fanaticism than men; and fanaticism of all sorts, whenever it can have its way, establishes both a political and a social despotism. Women are the chief agents in setting the fashions, and nothing in the world is more despotic than fashion. There is no country where women are so free, independent, and influential, as they are in the United States, especially in what were formerly called the free states, and there is none in which there is so little personal liberty, or so absolute a social despotism.

In uncomplicated questions, where simple and direct rela tions alone need to be consulted, or even in the combinations and complications that belong to wise and skilful management of the household, we willingly acknowledge woman's superiority; but in the complicated questions of the state, where there is to be a conciliation of interests and even of duties, and hardly a single apodictic principle, as in modern statesmanship, can be found to determine the course of action to be adopted, women fall far short of men, and really are incompetent. The reigns of queens have often been successful, we admit; but oftener, perhaps, for evil than for good, like that of Elizabeth of England. Yet when successful, whether for good or for evil, it has usually been through the exertions of the queen's ministers and her unbounded confidence in them. Queen Elizabeth's success depended in great part on her coquetry, her duplicity, her heartlessness, and the skill with which her ministers succeeded in disguising her barbarous and cruel persecution of Catholics who adhered to the religion she herself professed, and in her coronation oath swore to protect, under the name of merited punishment of traitors to her majesty.

We can, therefore, see nothing the country would gain by including women in the political people; and as for the women themselves, they would lose more than they can easily estimate. They would lose all they owe to man's chivalry, which is not a little, though greatly diminished since women have aspired to lead in popular literature. Women by their writings have deprived the sex of much of its prestige, and womanhood of its sacredness. They would lose most, if not all of the prerogatives hitherto claimed and enjoyed by them in society. If woman insists on being a man, men will treat her as a man, and will not yield her the place of honor at

the public or private table, at the theatre, in assemblies or places of amusement, or the choicest seats in public conveyances. Men will leave her to fight her own battles and take care of herself, and the husband will no longer slave himself to find a home and all material comforts for his wife and daughters, nor find his pride in their grace and accomplishments, and in the ease, luxuries, and consideration he is able to procure them. Neither his affection nor his ambition will induce him to make any painful sacrifices for the wife who, forgetting her duties as a wife, bids him defiance, and uses all her arts, blandishments, and cajoleries to outrival him in his own proper domain. No man who preserves any sense of his manhood will respect the wife who engages in a political canvass for herself, or love and cherish a wife whom he meets as his rival at the polls, and who there denies his headship, and refuses obedience where he has the right to command.

Women cannot enter the political arena, and struggle for votes and intrigue for office, become inspectors of customs, tide-waiters, and night watchmen, or police officers or roundsmen, without losing their refinement, and all those qualities which give them their social influence. They are utterly unfit to serve on our city police, to come in conflict with thieves, burglars, highway robbers, murderers, and the rowdies of all large cities and towns; and if there is any branch of the public service for which they are unfitted, there is an end of the argument, for it proves that there are duties which only men can perform, and that the pretence that women are competent to fill any and every office that men can fill, is unfounded. It necessarily follows that the sexes have each its appropriate sphere, out of which neither is in its normal state. The hope often expressed that the political enfranchisement of women would elevate politics to a higher plane, and render elections and political assemblies as decorous as the lady's drawing-room or saloon, is fallacious. It would only cause her to descend to their level, to the level of the *poissardes* of the old French revolution, or the *pétroleuses* of the recent Paris commune. Elizabeth Cady Stanton and Susan B. Anthony have become coarse and termagantish in comparison with what they were in their youth, when we both knew and esteemed them. They are no longer what they were.

Women cannot, whatever their capacity for work, do their duty as electors and as office-holders, without neglecting

their duties as wives and mothers, any more than they can devote their lives to fashionable pleasures and dissipations. No woman is a true woman, or worthy of the love and respect of her husband, who does not find home the centre of her affections, of her pleasures, of her ambition, and of her duties, and feel that her appropriate sphere is that of domestic life. Most of the miseries of life from which each sex suffers alike come from woman's forgetfulness of her home duties, from her gadding abroad, if not bodily, at least in her longings, ambition, or aspirations. It is her duty, if married, to remember that she and her husband are one flesh, and in all that pertains to this life and its temporal interests they have no separate existence. Whatever tends to make her feel, save in matters of conscience, that she and her husband are two, divided in their interests, and independent of each other, tends to unfit her for her duties as a wife and mother, to degrade and corrupt her, and to degrade and corrupt the family, and, through the family, society.

Turn the matter over in any light you please, the woman's rights movement means the enfranchisement of the wife from subjection to her husband, and therefore is a revolt against the marriage relation itself, as instituted by the Creator of both men and women. It seeks to destroy the family by destroying the very conditions of its existence. Of the men who, like the late J. Stuart Mill, favor the movement, no language is too severe to condemn them. If sincere, they have no true manhood, and justly merit the contempt of every true woman; if insincere, and seeking to use women for their own ambition or pleasures, as is most likely the case, they are more contemptible still. They are in any case infidels in practice, if not in theory. Indeed the whole movement is a movement for the abolition of the Christian law, and of Christianity itself. We cannot name a single Christian believer, man or woman, who favors the movement. The movement is decidedly antichristian, and Fanny Wright, in her conversations with the writer, often spoke of the enfranchisement of women as the only effectual method of breaking down the power of the clergy, and getting rid of religion—*superstition*, she called it. Some Quakers, Unitarians, Universalists, with the whole body of free-religionists, favor it; but they, if they sometimes receive the Christian name, are no Christian believers, do not admit the divine sovereignty or hold that the commandments of God, except as indicated by our natural inclinations or tendencies, are

obligatory. Do our women imagine that their rights would be better secured and more sacred under those who deny the rights of God, and resolve all right into passion, instinct, inclination, sentiment, or force, than under Christianity, and a legislative code inspired by it? If so, nothing better proves their total unfitness for the liberty the woman's rights party are clamoring for.

The revolt against the subjection of the wife to the husband, enjoined by the law of God, which was always favored if not authorized by Quakerism, and rendered respectable in the eyes of many by the prestige for honesty and philanthropy as well as for thrift which the Quaker sect enjoys, has already become so general, and is so strengthened by the unwise and antichristian legislation of a large number of our states, as to produce a general domestic insubordination, which seriously threatens, not only the existence of civil society, but even of the family itself. The tendency of our legislation for a long series of years has been to render the wife independent of the husband, and to facilitate divorce; to create for the wife a separate existence from her husband in those respects in which the law of God declares the twain to be one.

The promise in the marriage contract of the woman to obey the man, is widely objected to by brides, and is rarely exacted, we apprehend, except in the case of Catholics and Episcopalians. Wives, to a fearful extent, cease to feel themselves bound in conscience to obey their husbands in all things that are not unlawful. The seed of disobedience is thus sown in the very source of the family and society. The children catch the spirit of disobedience from the reluctance of the wife to obey, or her actual disobedience to the husband. Children early become disobedient to their parents, and the distinctive qualities of "Young America" are inherited or learned from the mother. There is probably no country in the world in which there is so much disobedience and irreverence to parents, or in which family affections are so weak and count for so little, as our own. And this terrible fact we attribute in no small degree to the rejection of the true idea of Christian marriage, founded on the false idea that what is done from duty, or because enjoined or commanded, is less meritorious than what is done, as it is said, freely, from love. Seldom with us does the father or mother say uniformly and kindly to the child, when in American fashion, it asks, "Why?" "Because I

(your father or mother) bid you." We Americans do not believe in authority, and do not train our children to habits of obedience. Our whole domestic system of education is based on the principle that all authority is despotism, and to despotic power no one is bound in conscience to yield obedience. We must learn and bring up our children to understand that legitimate authority, that is, authority founded on right and tempered by justice and love, is not despotism, but is sacred and holy, and to be both loved and obeyed.

The fact is that the woman's rights movement is only one form of the universal spirit of insubordination that so widely pervades modern society, and is hurrying it on in its downward career to barbarism. Henry Ward Beecher tells us that he owes his success to the fact that he is in sympathy with this spirit, which he sometimes calls the spirit of the age, sometimes humanity, whose pulse he feels, and to whose yearnings he endeavors in his doctrine to respond. It is the spirit of a corrupt age that forgets God; it is the spirit of fallen humanity, which Christianity teaches us must be resisted and overcome if we would escape hell, and which all experience proves we must resist if we would maintain the family, or preserve society from lapsing into the vices and immoralities, the private and public crimes and abominations that destroyed the renowned nations of antiquity. The first of virtues, and the foundation of all the virtues, is obedience; to recognize and obey the law of God. There is no dependence to be placed in a virtue that is based on the calculations of interest, on utility, or on a pretended moral sense, and which requires no self-sacrifice or submission of one's will. The woman's rights party do not believe it, a large portion of the American people do not believe it, infidels, revolutionists, Jacobins, socialists, communists, do not believe it, and yet there is no virtue without it, and a nation without virtue cannot be a free nation, and its very existence is doomed, as was that of the Cities of the Plain, ancient Chaldea, Egypt, and Assyria.

We have not touched on the many real grievances women have the right to complain of, because none of them can be redressed by political or legislative action. Any attempt to redress them by political or legislative measures would only aggravate them. Many of them can be redressed only by a change in the tone and sentiment of the community with regard to wealth and poverty. As long as only wealth is honored and poverty is held by the public to be a crime, or

even a misfortune, there is no practicable remedy. We must learn, as the first step, to honor poverty, to love and respect the poor, and to look upon riches as a delusion, a temptation, and a snare; for, as our Lord says, "Blessed are the poor," and, "It is easier for a camel to go through the eye of a needle than for a rich man to enter the kingdom of heaven." We must learn, as a part of this same lesson, to honor honest labor, and to respect the honest laboring man or laboring woman, even if the labor be in the humblest employments. This change can be effected by no political enfranchisement or legislative action; certainly not in our country, for here men and women have entire moral and spiritual freedom, so far at least as the constitution of the state and civil laws can secure either. The change can be wrought out only by moral and spiritual causes and influences. All the evils complained of grow out of the forgetfulness and violation of the moral and spiritual laws of the universe, which modern science denies outright or confounds with the physical laws of nature. We must return from our wanderings, and, by the aid of divine grace, place ourselves in harmony with the moral order, that is, the Christian order, as the first step in the work of removing any real grievances from which either men or women suffer. It is the neglect or the violation of this principle or fact that renders abortive or worse than abortive, all the attempts at reform or redress of grievances in the modern world, by whatever philanthropic motives prompted, or by whatever skill, zeal, and energy supported.

The change which we have indicated, and which Christianity enjoins, once effected, all the grievances complained of will either be felt to be no grievances, or they will, as it were, redress themselves. But as long as there is no change in the morals of women; as long as they revolt against the divine order and seek redress from external changes; as long as they suffer their affections to roam beyond the sphere for which God has designed and fitted them, and are ready to sacrifice their duties as wives and mothers, and to murder or suffer to be murdered the child they bear in their womb, in order to be relieved of the cares of maternity and to be free to lead lives of fashionable pleasure or dissipation, nothing can help them, or save either them or society from destruction.

# THE ROMAN QUESTION.*

[From Brownson's Quarterly Review for October, 1859.]

M. About must excuse us from entering into any serious examination of the very grave charges which, in his very flippant and disingenuous book, he brings against the Roman government. His tone and manner are ill-fitted to inspire confidence in either his judgment or his veracity, in both of which he appears to be more than ordinarily deficient. His charges can affect us only as we are interested in the cause of historical truth; to us as Catholics, it is of no special consequence whether they are true or false. For the only argument deducible from them against our religion rests on the assumption, that we must hold the pope has the same infallibility in his temporal government, that we claim for him when deciding *ex cathedra* a question of faith or morals. Every Catholic knows that this is not true; Catholics claim infallibility for the pope or the church not even in the administration of ecclesiastical affairs; certainly not, then, in matters of purely secular government.

The Roman states are the patrimony or possessions of the Holy See, and the pope, as the incumbent of that see, governs them by a sacred and divine right. To attack his right to govern them is to attack the rights of the church, and to incur the guilt of sacrilege. But the administration, whether by ecclesiastics or laymen, is human; just as human as the administration of any other government, and to be judged like every other, on its merits. In governing his estates in temporal matters, the pope has, as any other sovereign, only human science and wisdom on which to rely. The special assistance of the Holy Ghost promised him as successor of Peter, is not granted him as temporal ruler, and is assistance only in the supernatural order; aids and protects him only as the visible head of the supernatural society. We can very consistently hold, that through that special supernatural assistance, he may be infallible in supernatural things, or in matters pertaining to our supernatural destiny; and yet that, in the natural order, in relation to natural ends, re-

*The Roman Question. By E. About. Translated from the French, by H. C. Coape. New York: 1859.

specting which the church has received no special revelation, he has the ordinary infirmities of our nature, and is not one whit wiser or better than other temporal princes.

For ourselves, we believe very little of what M. About or others say against the Roman government, and by no means all that some of our over-zealous friends say in its favor. We have no doubt that there are abuses under it, as there are abuses under every government, except the direct government of God; and we have just as little doubt that its administration is for the most part intelligent, humane, paternal, and does all for the people that an absolute government well can do. The Roman people, we apprehend, have little reason to complain of the neglect or the tyranny of their government. The objection is, not that it does not do enough for them, but that it does not leave them to do enough for themselves. The great objection to the absolute governments of Europe is not that they tyrannize over their subjects, or do not seek to make them contented and happy. But it is in the power of no absolute government to make any people, not brutalized, either contented or happy. The more the absolute sovereign does for his people, the more he elevates them in the moral and intellectual scale, the more discontented and unhappy they become, because the stronger becomes their desire, and the less their freedom, to do for themselves. A grown man is unwilling to be treated always as a nursling; he would sometimes, at least, be trusted to himself, and be permitted to act spontaneously, from and for himself. The Roman government does all a government with its means can be expected to do for its subjects, but in the political order it permits them to do nothing for themselves, not even so much as to express in their own way, their honest opinions and wishes. It renders them a political nullity.

In former times, when the pope was at the head of the political as well as religious world, the Roman states held a central position, were connected with the whole European system, and could take part in all the great events of the day. The Roman people had a career, scope for their activity, and opportunities of acquiring distinction. But since the political idea has supplanted the religious, and state policy usurped the province of the law of God; since the pope, deprived of his political importance, has been reduced politically to a petty sovereign of a petty state, all this has been changed; the Roman people are no longer a leading people

in the affairs of Europe; they have lost their career, and find their sphere of action circumscribed, and the avenues to distinction closed. This change in their condition they attribute chiefly to the sacerdotal and neutral character of their government, and they fret and chafe under it, and feel as the Israelites did when they came to Samuel, and said, "Give us a king to judge us, as other nations have." In all this they may be very unwise, very wrong; and certainly we are far from believing that the change they seek will bring them the blessings they expect, but so they do feel, and so they will feel, whatever the wisdom, justice, and paternal kindness of the papal government, so long as they find themselves debarred from taking part in the stirring events of this age of action, and feel that they, the descendants of the conquerors and rulers of the world, are and can be nothing but church vassals. Our Maguires and Nelligans may assign most excellent reasons to prove that they ought to be,—nay, that they really are, a contented and happy people in their present condition; but contented and happy they do not, and will not believe themselves till they acquire a political entity of their own. Perhaps then, even less than now.

Much of the trouble the Roman government has with its subjects is caused by the interference of emissaries, conspirators, or disaffected persons from other Italian states, as well as from every nation in the world. Italy is the lost pleiad of the constellation of European states. She has been struck from the political firmament, and she and all the world have suffered in consequence. The Italian people feel it, and are ill at ease in a position which renders them politically null, or forces them to be idle and dissipated, to be dilettanti or conspirators; and are struggling in all manner of ways to effect the political and civil regeneration of their common country, and raise her, by union or federation, to the rank of a great power. Europe suffers more than it is easy to say, by the loss of the Italian and Spanish peninsulas from the number of great powers. Their existence and rank as great powers are essential to the proper working of the European political system. That system now lacks its balance, and runs not at all, or runs awry. All European statesmen of any name see and admit it, and no one more clearly or distinctly than the present emperor of the French, whatever may be the policy he finds it convenient or necessary to adopt in order to secure his dynasty on the French throne. But the Italians, endowed with a rich nature and rare capac-

ity as statesmen and warriors, see very well that to the elevation of Italy to her proper rank and influence, it is necessary to reorganize her as a state or as a union of states on liberal principles of government, and that this is impossible without a liberal constitution of the Roman states. Italy without Rome is like the play of Hamlet with the part of the prince of Denmark left out. Without Rome and the States of the Church, Italy can be united neither as a consolidated state nor as a confederation of states; and unless united as the one or the other, so as to act as a unit in all common and external interests and relations, as is the case with our American federal Union, she will not be strong enough to free herself from foreign domination, and to maintain her autonomy and independence in the face of her great military neighbors. The knot of the Italian question is, then, the Roman Question, and the solution of the difficulty depends very much on the policy of the Roman government.

This is the chief reason why the Roman states are filled with the disaffected of all nations, and especially with Italian patriots, real and simulated, from all parts of Italy, conspiring against the papal government, and using all means, fair or foul, to change or modify the constitution and policy of that government, so as to render practicable the union of all Italy and the civil and political regeneration of the whole Italian people. The Roman government, in the hands of the reactionary party since the overthrow of the Mazzinian republic, a party that believes nothing in the modern spirit, and holds that concessions to what is called the Italian cause will do no good to Italy, and can result only in strengthening the hands of the enemies both of society and the church, plants itself on its rights as an independent state, resists all changes in its constitution, and refuses to take part in the national movement. This maddens the more advanced and excitable patriots against the papal government, as in their view anti-national; and some of them, forgetting to distinguish between the sovereign of Rome and the chief of the spiritual society, in which they are backed by the Jews and infidels of all Europe, by the Protestant alliance of all nations, by Prussia, and the Palmerston-Russell ministry of Great Britain, extend their rage, as Gavazzi, to the papacy itself, and wish to depose the pope not only as temporal sovereign, but also as sovereign pontiff. This is amply sufficient to explain the un-

measured declamations against the papal government in which M. About's book and the anti-popery press abound, and which we hear in the British parliament and elsewhere, without supposing that the papal administration is peculiarly objectionable, or that the abuses under it are even as great as the abuses which every day take place under either the British administration or our own.

The ability of the Italians, with their excitable and vindictive temperament, their chronic divisions, and hereditary quarrels, to form and sustain a free and united Italy, is doubtful even with intelligent men who wish them well, and see and feel the deep want of such an Italy, both for herself and for European politics. But since the late war, undertaken ostensibly for Italian nationality and independence, and since both France and Austria have, in their preliminaries of peace signed at Villafranca, admitted the principle of Italian nationality, and pledged themselves to encourage an Italian confederation under the honorary presidency of the pope, they have offered them an opportunity to prove whether the world has judged them hastily or not; and we permit ourselves to indulge the hope, that they will create an Italy capable of sufficing for herself. Both France and Austria would find an independent Italy, able to maintain herself in the rank of a first class power, for their respective interests; and a free and liberal Italy, representing in Catholic Europe true constitutional liberty, would be of great advantage to the church, for it would unite, in one Catholic country at least, the living civilization of the day with the only living religion there is or can be in the world. If France and Austria are really agreed on an Italian policy as great Catholic powers, and really mean to aid in carrying out the principles they avow, the Italian people can now, if the thing is in them, enable us to see a real Italian nation under an independent and efficient though liberal government, and an end put once for all to these ever-renewed abortive Italian conspiracies, and the unceasing clamors of Italian refugees and exiles, which serve only to disturb the peace of the world. It is possible that we have underrated the capacity of the Italians for self-government, and it is also possible that they have really profited by their misfortunes, and are far better prepared for the part Italy ought to play in the world than heretofore, or than is commonly believed.

The solution of the Italian question, it seems to be agreed

on all hands, must be a confederation of the several Italian states as free and independent states. The union of all Italy in a unitarian or centralized democratic state, with its capital at Rome, and the people both temporally and spiritually installed in the place of the pope, as dreamed of by the Mazzinians, is both impracticable and impious; its union in a single monarchical state under the house of Savoy, no more Italian than the house of Habsburg, as contemplated by Count Cavour, more Piedmontese than Italian, is also impracticable. It would be alike incompatible with the pope's temporal sovereignty of the Roman states and the independence of the church; it would, also, never be assented to by either France or Austria; and it is not improbable that one of the reasons that induced Napoleon to make peace, when and on the terms he did, was that he saw that he could not longer continue the war without permitting the count to carry out that policy, and thus make Sardinia a state too powerful for the interests, if not ultimately for the safety, of France. The Italians are equal, if not superior, in military capacity to the French, and Italy with Savoy has elements of strength, if ably combined and fully developed, that might cope successfully with the power of modern as well as of ancient Gaul. The union of the several states, some absolute, some constitutional, in a confederation under the mere honorary presidency of the pope, would be no real union at all. It would lack efficiency and strength, and tend only to perpetuate the old disunion, and to generate new quarrels. A confederation of even constitutional states, the pope being deprived of his temporal power, the plan suggested and not unlikely to be insisted on by the Palmerston-Russell ministry, backed up perhaps by Prussia and Russia, would fail, because the pope must retain his *status* and independence as a sovereign. Divine providence will take care of that. The confederation of the governments only, like that illusory thing called the German Bund, and which seems to be all that France and Austria at present contemplate, will answer only as a provisional organization. If the confederation is to be any thing more than a sham, if it is to be really effective, and to elevate Italy to the rank of a great power in the European family of nations, it must be a federal union of the people of the several Italian states, like our own, or that of Switzerland, with a strong and efficient federal government, elective, under the perpetual presidency or moderatorship

of the pope, by federal representatives, in one house at least, chosen by the people of each state, not simply of representatives appointed by the governments. The several states must be each organized on monarchical principles, with a large infusion of the democratic element persistently active in the administration; for the people of Italy are monarchical and democratic, rather than oligarchical or aristocratic. If neither the Italian people, nor France and Austria are prepared for such an organization of Italy, as the definitive settlement of the Italian question, it is idle to talk of the civil and political regeneration of the peninsula, or the elevation of Italy to the rank of a great power with which European politics must count.

Many in Italy and out of Italy, think such an organization incompatible with the spiritual position and functions of the pope; and one party therefore, cry out against the papacy, and another against the proposed organization. But we see no incompatibility of the kind alleged. The Holy Father may judge, that under given circumstances, the interests both of religion and society require of him the neutral policy for a long time adopted by the sovereign pontiffs; but the pretence that the pope cannot, as temporal sovereign, have an Italian policy without prejudice to his functions as father of the faithful, is by no means admissible. All through the middle ages, the popes had an Italian policy, were eminently national, and the acknowledged head of the national party; and in spite of the German kaisers, and the Ghibelline princes and nobles, they maintained the Italian cause, till Charles of Anjou perverted and betrayed the national party, and Philip the Fair threw the whole weight of France into the scale of the foreign party. Even after their return from the Babylonian captivity, or residence at Avignon, the popes resumed their Italian policy, and maintained it with more or less success till the changes in the routes of commerce had diminished the relative greatness and power of the Italian republics, especially Venice and Genoa, and the growth and consolidation of the great military states of modern Europe had changed the whole system of European politics. In none of those ages do they seem to have considered it incompatible with their spiritual functions to have an Italian policy, and to defend against both foreign and domestic enemies the independence, the rights, and the interests of the nation in which they have their see.

Pius IX., now happily reigning, seems also to have had no

doubt on this subject. In acceding to the papal throne in 1846, he saw that the interests of the church and of society suffered from the condition in which he found the ecclesiastical states, and the people of Italy generally; and he inaugurated his reign by adopting, generously and bravely, a policy which promised the independence of the peninsula, and the civil and political regeneration of all Italy. It is true, he refused to join in the war waged by Charles Albert —who aspired to be the sword of Italy—against Austria, although Austria had actually invaded his dominions without his consent; but he evidently did it, not because he had doubts of his right as sovereign of Rome to join in a national war, if he judged proper, but because he doubted, under the circumstances, the expediency of doing so. He knew his predecessor, Alexander III., had not scrupled to head the league of the Lombard cities against Frederic Barbarossa, and that Julius II. had not thought it incompatible with his duty as supreme pontiff, to head himself in person his troops against the French invaders of Italy, and to do his best to hurl them back over the Alps into their own country. The pretence that the pope as sovereign of Rome cannot be Italian, and consult the true interests of the peninsula, if necessary, has no historical foundation. The Roman states are only a part of the Italian nation, not isolated from the rest, or a complete nation in themselves; and as the pope has and must have, as temporal sovereign, all the rights and powers of any other temporal sovereign, we should like to know by what law, human or divine, he is forbidden to govern his subjects in relation to their best interests, not merely as distinguished from, but as united with, and forming an integral part of, the whole Italian people?

Whether the pope judged wisely or unwisely in refusing to let his states join the war against Austria, waged in 1848 by Charles Albert, ostensibly for the independence of Italy, it is not for us to say; although the policy of revolution and annexation favored by that prince was not less to be dreaded than Austrian domination; but this much we know, he had an Italian policy, and that he favored the reorganization of the Italian states on constitutional and liberal principles. He therefore gave, *motu proprio*, liberal institutions to his own states, worthy to serve as a model for all the states of the peninsula, and proved himself willing to give his people a share in the political power and in the administra-

tion of the government. But, unhappily, the time was inopportune; the revolutionary fever had run too long, and had become too high throughout Europe for his concessions to do more for the moment than to diminish slightly its force. On the heels of his concessions, before he had time to consolidate any thing, the revolution in France broke out, speedily followed by a like revolution in almost every continental capital, giving to the red-republicans, those worthy successors of the old French Jacobins,—then banded together in secret societies, and terrible by their secrecy—so great an accession of force and fury, that, opposed as he was by the princes, and by the whole anti-constitutional party, who regard innovation in politics, unless in the sense of cæsarism, with as much horror as innovation in faith, he was unable to maintain his ground. The revolutionists, aided by the secret wishes of more than one Machiavellian prince, by the leading Protestant powers, the Protestant alliance, and the whole anti-popery party throughout the world, who thought the time had come to make an end of the papacy, were able to pervert his liberal intentions, to turn his constitution against the interests of religion and society, to drive himself, like so many of his glorious predecessors, into exile, and to erect in his capital the miserable triumvirate, misnamed the Roman republic. Men of firm nerves and decided liberal tendencies were alarmed for society, joined with their whole souls in the reactionary movement, welcomed the success of Austria in repelling Charles Albert and suppressing the formidable Hungarian insurrection, and were not sorry to see the Roman government returning to the policy pursued before the accession of the present sovereign. But we do not think the failure of 1848 should induce any one to despair of the future success of constitutional and representative government in the States of the Church, for that failure evidently was owing to a combination of untoward circumstances, which does not exist to-day, and is not likely to occur again, at least not for a long time to come.

No doubt there are, and always will be, practical difficulties in the way of constitutionalism in the Roman states, but we see *only* practical difficulties, and these do not seem to us enhanced by the fact that their sovereign is the divinely instituted chief of the spiritual society. We can see no difficulty of principle. The sovereign has all the freedom of action that he would have were he only a temporal sov-

ereign. The Roman states were given to the church, as property is every day given to her by the faithful, and the pope holds his right to govern them by a title than which none can be firmer or more sacred. But the people of these states are not the property of the church, and it does not follow that she has a right to govern them as property, because she has by divine constitution the right to manage her own property, and to govern her own temporalities. Constantine, Pepin, Charlemagne, the Countess Mathilda, could give the church all they possessed, and when given, she would hold it by divine right, as the right of God, of which she is the guardian; but they could not give her the Roman people as property, for they never themselves held them as property. All they could give was what they themselves had, the right of sovereignty, that is, the right to govern them as people, as men, as free moral agents. This, also, is all the right the church could acquire, if she assumed the government of these states from necessity or charity, because she found them abandoned by their legitimate sovereigns, and in need of a governor, and, above all, a protector. She could in that way acquire only the ordinary rights of temporal sovereignty. However absolute under God, in the spiritual order, by divine constitution and the supernatural assistance of the Holy Ghost, given him as the successor of Peter, may be the authority of the pope, in the natural order, as temporal sovereign, he has only the rights of temporal sovereignty in general, and holds his right to govern, subject to all the limitations and conditions imposed by natural justice or the natural rights of man and society.

The right of the temporal sovereign is the right to govern his subjects according to their nature, for their common good. But as these subjects are men, his right is to govern them as men, and only as men. Men are rational beings, endowed with a political nature and political faculties. The sovereign must govern them as such, not as brute things, or irrational animals, which man may possess in full right of property. He may govern man's political nature, and regulate the exercise of his political faculties, but has no right to suppress either. We must say this, or assert cæsarism, and deny that power is a trust held for the public good, and go against the uniform teachings of the great doctors of the church, and the express declaration of the most eminent pontiffs that have ever sat in the chair of Peter. The pope, then, as temporal sovereign, can no more be Cæsar than

Cæsar can be pope, and we can no more defend cæsarism in the states of the church than in the states of France, Austria, or Russia. The church submits to cæsarism where a change is impracticable, and the people are neither able nor disposed to sustain free institutions, but we have found no instance of her approving it, or declaring it in accordance with natural right or justice.

Assuming, then, that the rights of the sovereign of the Roman states, though originating in the fact of his being pope, do not derive from his spiritual sovereignty, and are precisely what they would be were he not chief of the spiritual society, and that the rights of the Roman people are precisely what they would be, neither more nor less, in case their sovereign held no spiritual jurisdiction; we can see no reason, if desirable and practicable, why the pope should not concede his temporal subjects a constitution, and govern them, not as an absolute, but as a constitutional monarch. His subjects are shorn of none of their natural liberty by his spiritual prerogatives, for the supernatural supposes the natural. He holds his estates, it is true, in trust for the church, and must by the very nature of his office administer them for the interests of religion, of which he alone is supreme judge; but he, as temporal sovereign, holds them as a trust for the people, and is bound, like every temporal sovereign, to administer them for their common good, of which they are judges with him, since they are rational beings, and since that good is in the temporal order, and in respect to which the church does not claim to have received any special supernatural revelation. If the interests of religion in his judgment imperatively demand it, the pope can alienate his temporal sovereignty as he can alienate or condone any other species of church property; and if, in his judgment and that of his subjects, a constitutional or representative government will be for the public good, he can concede such government, and recognize the right of the people to share, through representatives chosen by themselves, in the administration. Of course such government cannot be extorted from him by force, for that would be sacrilege, and to be legal it must be a concession made, as the papal documents say, *motu proprio*. This conclusion is logical, and follows from the principles of temporal sovereignty recognized by the church herself; it is in accordance with what our Holy Father did in 1848, and with the well-known fact, that formerly the provinces and municipalities

of the papal states did, in all local matters, govern themselves, subject only to the approbation of the pope as superior authority.

We have good reasons for believing that the Holy Father has not changed his views as to the proper constitution of his states, and that he is ready, whenever circumstances permit, to renew the policy with which he inaugurated his pontificate, and which has been in abeyance since 1850. But, if the results of the recent bloody war are to correspond at all to what is pretended, if we may place any reliance on the professions and pledges of the peace of Villafranca, the chief obstacles he has hitherto had to contend against are removed, and that policy is now practicable. Whether it will in fact prove to be so, is more than we can pretend to say. The present English Whig ministry will oppose it, because placed in power by Catholic votes, and pretty secure of the Catholic constituencies of Ireland, they must, in order to secure the support of the Wesleyans and Evangelicals, oppose, or at least make a show of opposing, every thing likely to be useful to Catholicity in countries nominally or truly Catholic. Sardinia will reluctantly favor any measure likely to preserve the temporal power of the pope, or make peace between the Holy Father and his Roman subjects, because she at present is angry with the pope, and wishes all Italy to become Sardinian as all Greece became Macedonian. But if France and Austria are really determined to sustain the Holy Father, and to favor and protect the civil and political regeneration of Italy, the opposition of these will have to give way.

In the loyal intentions and good faith of the emperor of Austria we have full confidence, and if he has really come to the conclusion that the peninsula may be more useful to Austria as a strong and powerful ally, as a protection for her rear against France, than as a possession or dependency, which we hold to be the fact, he will do all in his power to create and sustain an independent and united Italy. We have less confidence in that man of surprises, who for the present rules the destinies of France and sports with the peace of Europe. But we think he is too solemnly engaged —and it is evidently for his interests to keep his engagement —for him to desert the cause for which he professed to wage war. France, like Austria, is stronger with a free, independent, and powerful Italy as an ally, than with Italy as a possession or a dependency. Moreover, if the emperor of

the French now fails to sustain the cause of Italian independence and union, he gives Francis Joseph the chance to exchange parts with him, to make himself the champion of a free, independent, united, and powerful Italy, and thus transfer the regards of the Italians from France to Austria. It is as much for the interests of Francis Joseph to strengthen Italy as a barrier for Austria against France, become a great maritime power, as it is for Napoleon to strengthen Italy as a barrier for France against Austria. Italy should serve the same office between France and Austria that Germany does between France and Russia. Napoleon has shown judgment and tact in making peace at the opportune moment. Let us hope that in regard to Italy he will prove himself a real statesman, and justify the admiration of his friends.

At the time we write the definitive treaty of peace, if signed, has not reached us. We necessarily, therefore, write in the dark as to many things, but the most we have said is of a general nature, and will remain unaffected by the treaty, whatever its terms. We have strong Italian sympathies, but we have not full confidence in the Italian people and movements in our day. We hope, however, that some progress has been made by recent events in settling the Italian question, and we are sure the peace of Europe and the interests of the church require that it should be settled. The emperor of the French is an able man, and quite too much for his brother sovereigns. He does not seem to us anxious to bring any question to a final settlement, except that of permanently settling his dynasty on the throne of France, and keeping France in a condition to make war, with or without reason, on any European power when it pleases her sovereign. He is now creating an occasion for interference in Germany, in hopes of being made protector of the small German states, and it will not surprise us if, instead of deposing the pope, as he intended, he makes the efforts of Lord John Russell to strip the pope of his temporal power, one of his pretexts for avenging Waterloo on Great Britain.

# SARDINIA AND ROME.*

[From Brownson's Quarterly Review for July, 1861.]

THE troubles in our own country and the stirring nature of the events during the last three months, as well as our inability during that period to use our eyes either for reading or writing, have prevented us from keeping as well posted as usual on European affairs. The preservation of our republic, and with it the hopes of the friends of free government throughout the world, has claimed our first attention, and made even the great movements in Europe appear to us of but secondary importance. We have hardly kept run of the insurrectionary movements in Poland, Hungary, or Italy, and know little of what are the prospects of the "Sick Man" of the East. The most we have learned in regard to the old world is that Spain is rapidly rising to a first-class power, which gives us pleasure; that peace is still maintained between France and England; and that Austria is making energetic and, we hope, successful efforts to reconstitute her empire under a liberal parliamentary government. The French, we are informed, have withdrawn their troops from Syria; but the imperial government promises not to abandon the Syrian Christians to the tender mercies of the Turks. The French troops, at the time we are writing, still occupy Rome, and though several powers have recognized the new kingdom of Italy, the affairs of the peninsula would yet seem far from being settled.

Next after the affairs of our own country, those of Italy have for us the most interest; and, if we believed that the interests of our religion were inseparable from the Italian political movements, they would have more interest for us than even the civil war in which we are now engaged at home. Religion is man's supreme law, and its interests take precedence of all others. Without religion no man can attain to the end for which he has been created and redeemed, as without religion no people can be really free and fulfil the legitimate purposes of social existence. Christianity is

* *Deuxième Lettre à* M. LE COMTE DE CAVOUR, Président du Conseil des Ministres, á Turin. Par LE COMTE DE MONTALEMBERT, l'un des Quarante de l'Académie Française. Paris: 1861.

the only religion; and there is no Christianity in its unity, integrity, and efficiency, without the church; and no church without the papacy. The body without the head is a lifeless trunk; and the pope is the visible head of the church. It is necessary to the well-being of the church that the pope should be free and independent in the exercise of his spiritual functions. If the loss of his temporal estates and the establishment of the unity of Italy under Victor Emanuel or any other constitutional sovereign would deprive the Holy Father of his spiritual freedom and independence, we should consider the success of the Italian national movement the greatest possible calamity not only to Italy, but to the whole Christian world. But, as yet, we are not fully convinced that such would necessarily be the fact. It always depends on the pope himself whether he shall be free and independent or not; for it is always in his power to follow the example of his predecessors for three hundred years under the pagan emperors, and to suffer martyrdom. Never did religion flourish more, or the church gain more brilliant conquests, than when the election to the supreme pontificate was an election to the martyr's crown. It may be a great convenience for the supreme pontiff to be also a sovereign prince and reign as an earthly potentate; but we cannot discover as this is an absolute necessity in the constitution of the church. We know from history that the popes governed the church, watched over its interests, and performed all the functions as visible head of Christ's kingdom on earth for seven hundred years without being recognized as sovereign temporal princes. Whether the possession of the supreme temporal power over a small Italian state has ever tended to secure their spiritual freedom and independence, has ever been of any real advantage to the church, or rendered their spiritual power more acceptable or more efficient, is a question which it is not our province to discuss. It may have been necessary, or, at least, useful, in past times, before the consolidation of power, and the formation of the great centralized kingdoms and empires of Europe; but we are not certain that it is either the one or the other in the present changed circumstances of the political world, and therefore we regard the movements going on in Italy mainly as political movements in which the interests of religion are only indirectly and temporarily involved.

One thing is certain, that, since the general rejection by Christian nations of the divine right of governments and the

recognition of *de facto* governments as legitimate, which, in principle and in fact, places right on the side of might and vests the sovereignty in the strongest or the successful, the temporal independence of the pope can be only nominal, for, as the sovereign of only a small state, he lacks and must lack the power to vindicate it by force, whenever seriously attacked by any of his neighbors. He may be independent in theory, but in practice he does and must depend on the policy, the diplomacy, or the rivalries of the great powers of Europe. The policy of states and empires has long since ceased to be dictated from the Vatican; throughout all Europe the temporal power has, as a fact, long since escaped from its subjection to the spiritual; and the powers of Europe, whether Catholic or non-Catholic, hold themselves free to support or to war against the pope, according to their own views of their own political interests. There is not a single European power that is prepared to sacrifice the slightest political interest for the sake of sustaining the temporal sovereignty of the Holy See; all are ready to use the sovereign pontiff or to cast him aside, according to their reasons of state. Nothing seems to us further from the truth than to suppose that there is still a political Christendom existing. There may be sovereigns who have Catholic faith and piety, but there are really no Catholic governments. The political order throughout the world is as un-Catholic, though perhaps not as anti-Catholic, as was the political order of the Roman empire under Decius and Diocletian. There is no political power on which the pope can rely, and no sovereign in Europe that he can summon to his aid when his states are invaded. How, then, can we say that his temporal sovereignty aids and supports his spiritual freedom and independence?

We state facts as they are, not as we would have them. We are far from holding that the changes which have gone on in the world, which have involved, if not the subjection of the church to the state, at least her separation from it, have been for the better, or are, in any sense, deserving the approbation of the wise and good. But this is not the question with which we have now to deal. The changes have been effected; the facts are as they are; and the question is, what is the best manner of dealing with them? To attempt to maintain the temporal sovereignty of the pope over a small Italian state, in the face of these changes seems to us impracticable, and not likely, even if practicable, to render him more free and independent in the administration

of ecclesiastical affairs. To treat these changes as though they had not been effected, to proceed on the assumption that things are as they were in the middle ages, when the sovereign pontiffs exerted a real influence on the politics of princes and states, is not the part of wisdom; to attempt to roll back these changes and to restore the order that has passed away is, in our judgment, impracticable and impossible, even if desirable; to declaim against them, or to sigh and weep over them, may be the part of the conquered, but can never be that of wisdom and strength. True wisdom, it seems to us, requires the friends of religion to accept these changes as facts accomplished, and to endeavor to adjust ecclesiastical and all other arrangements to them.

But, while we say all this, let it be distinctly understood that we recognize in the fullest and strictest sense the rights of temporal sovereignty possessed by the Holy Father, and that only by an act of gross injustice, of the grossest injustice indeed, can he be deprived of them. The pope is the oldest sovereign in Europe, and no sovereign in Europe holds his states by a better title, or by one so good, so sacred, or so inviolable in its nature. Let it also be understood that we give no heed to what has been said against the papal government in past or in present times. The only fault that we have ever been disposed to find with the papal government is that it has been too lenient and too paternal in its character. The charges of cruelty and tyranny brought against it we throw to the winds; we believe none of them. That government was legitimate in its origin, and by no act or acts has it, so far as we can discover, ever forfeited its original right. No government has ever labored more earnestly, more faithfully, more perseveringly for the good of its subjects, with more benevolence, or with more intelligence. The difficulties in the case grow not out of any duty neglected, or of any wrong done by the pontiff-kings, but simply out of the fact that the political world has lost its respect for right, and the maintenance of the papal government in its independence and integrity is incompatible with modern politics, or the political system originated in the sixteenth century by the successors of St. Louis of France, and solemnly adopted and proclaimed as the public law of Europe by the peace of Paris, March, 1856.

Need we say that we do not approve that system, which in reality is only political atheism? We denounced that peace when it was made, and our pages from first to last

have teemed with the strongest denunciations against political atheism. We denounced in the strongest and most pointed terms that we could use, the war of England and France against Russia, even before it was declared, as an unprovoked and unjust war, and likely to have a most unfavorable influence for a long time to come on European politics. We foretold and denounced the policy of Napoleon III. long before any of our Catholic contemporaries had ceased to regard him as a new Charlemagne, or a second St. Louis. We exposed and denounced the policy of his Italian campaign before it was commenced, and none of our Catholic contemporaries have denounced in severer terms than we the invasion of the pontifical rights and territory by Sardinia, or the invasion of the realm of the king of the Two Sicilies by that prince of filibusters, Joseph Garibaldi, and we are sorry to find that our government has accepted, even in defence of a good cause, a battalion called the *Garibaldi Guards*. In our opposition to all these movements prompted by and resulting in the coronation of political atheism, we have gone before all our Catholic contemporaries, and, on more occasions than one, have found ourselves standing alone in that opposition. Let it not be said, then, that we have approved, or that we approve in any way, shape, or manner, the policy either of Napoleon III. or of Count Cavour, that has brought the Holy Father as temporal sovereign to his present deplorable condition.

Whatever others may say for themselves, *we* are innocent of ever having done any thing to favor that policy; and if Catholics, especially Catholics in influential positions, had generally opposed that policy as early and as earnestly as we did, it could never have been carried into effect. We read with admiration, with hearty assent, the eloquent protests of our prelates throughout the world against it, and only regret that they come too late. It cannot be denied that Catholics everywhere have shown a singular want of foresight, and, if we wanted any argument to prove that the church stands not in human wisdom or in human sagacity, we should find it in their misplaced confidence in the modern Cæsar, and the praises they have lavished on his new-fangled political system. No sovereign was ever more frank or was less liable to be accused of concealing his policy. All his antecedents, all his writings, all his surroundings, as well as his public declarations, proved clearly and conclu-

sively that he was and would be no sincere friend of the temporal sovereignty of the Holy See, and, while he would not openly break with the church, he would never suffer any respect for her, or for the rights of her pontiff, to interfere in the least with his state policy. The very fact that he was the nephew of his uncle proved this, and if any of our prelates for one moment doubted it, or trusted that by their flatteries and servility they could persuade him out of it, they have only their own want of foresight to complain of. No doubt he would have been glad to have had a confederated Italy with the pope for its nominal head; but that it was his determination from the first to deprive the Holy Father of all real and effective temporal power cannot reasonably be doubted by any one acquainted with the *Idées Napoléoniennes*. Our prelates have done well in placing on record their protests against the violation of international law, the contempt of the rights of independent sovereigns, as well as of the ordinary principles of religion and morality of the Sardinian government in its attempts to grasp the sovereignty of all Italy; but we should have prized them much more, and they would have been much more effective had they come some years sooner.

There is no real difference of opinion on the merits of the Italian question between the eloquent author of the pamphlet before us and ourselves. We are as indignant at the Napoleon-Cavour policy as he is, and we are as far as he from approving the acts of Sardinia towards the papal government, the duchies, and the Neapolitan kingdom. We hold, as well as he, that it is never lawful to do evil that good may come. But the evil has been done, the wrongs have been committed, and we see no human power adequate to avenge them. It seems to us in vain to appeal to the Catholic world, for it has been by professedly Catholic hands that the evil has been perpetrated. The fault cannot be charged in this case to the open and avowed enemies of our religion, but is undeniably the fault of those who profess to honor the pope as their spiritual chief. Our Lord has been rejected and crucified by his own people. We deny not, we excuse not, we palliate not their wickedness. But, after all, to what good recall and dwell upon it? Why war against irrevocable facts? Why attempt the impossible? Why break our heads against the inevitable? We cannot alter that which is past. It is beyond our control. The only difference, if difference there be, between the

noble author and ourselves is that he resists even after resistance has become useless, and we cease to resist or even to protest after, in our judgment, the fact is accomplished; from that moment we turn our eyes from what has been, to what is best now to be done, and we reserve all our strength to mould the future in accordance with our wishes.

We believe great evil has been done, grave wrongs committed, but we do not believe it all over with the church or with humanity. In the darkest day "the old God," as say the Germans, "still lives," and his providence is as young, as fresh, as vigorous, and as worthy of reliance as ever. We are among those who believe it never wise to sit down and waste our energies in sighing over the sins we have committed, but to look out for the virtue, and engage with redoubled vigilance in the performance of the virtue, of which we are still capable. As long as God lives we will never believe in the permanent triumph of evil, or in the impossibility of repairing the greatest wrongs that may have been committed. The church is as present, is as powerful to-day as she was when she went forth with the apostles from that "upper room" in Jerusalem to conquer the world. The loss of temporal sovereignty by the successor of Peter, the loss of all her temporal goods, the reduction of her ministers to mere staff and scrip will not make her weaker than she was when Peter erected his chair in the capital of the pagan world. Perhaps this loss would even prove to be a gain. Woe to him who despoils the church, but not therefore woe to the church despoiled. What the church has once done she can do again, and perhaps could do more without than with the worldly trappings with which she has so long been encumbered.

We by no means despair of the future; we by no means despair of seeing religion again recovering its hold on men's hearts and on men's consciences; we by no means despair of seeing again peoples and nations, sovereign princes and states recognizing the authority of Peter, and acknowledging the supremacy of the spiritual over the temporal; we by no means despair of seeing reëstablished that system of Christian politics and international right which the church, through her sovereign pontiffs, labored so long and earnestly to introduce and establish among Christian nations. Political atheism is a falsehood, and no falsehood can live. Its triumph can be but temporary, and last no longer than the heated passions which have given it birth. The church will

regain her power and her rightful supremacy, but probably not in a society modelled after that of the middle ages. She then worked through princes and nobles, hereafter she must work through the people; she then operated by diplomacy and force, she must hereafter operate through the intelligence and conscience of the people elevated to an effective power in the management of their own public affairs.

This is the belief of Count Montalembert as of ourselves, and hence his earnest, persevering, and consistent efforts for free or constitutional government. It has been with him a principal object in this very letter to Count Cavour before us, to vindicate the sovereign pontiff from the charge of having, in his late allocutions, declared the incompatibility of the church with modern civilization or of Catholicity and liberty brought against him by the infidel and non-Catholic press of Europe, and owned and defended by the principal Catholic journals, and no small part of the Catholic clergy of Italy, France, Belgium, and Spain. We have good authority for saying the Holy Father has declared no such thing, and that whatever sympathies there may have been among Catholics at Rome or elsewhere with the old political order, now warred against almost everywhere by the irrepressible instincts of the human heart, there has been no committing and no intention of committing the church, by her supreme chief, to its preservation or to its restoration. Nothing has been said, nothing is implied in what has been said, in condemnation or censure of those Catholics who, like ourselves, have maintained the compatibility of religion and liberty, who have steadily opposed cæsarism, and sought the freedom of the church in the general freedom of the citizen.

That the court of Rome has lavished encouragements on those Catholics who have been foremost in the war against the political and other changes effected by modern civilization, we are far from denying, or that in this that court has not furthered the interests of religion, or taken the best method of winning back to their submission the world escaping from the control of the church, we are just as far from doubting. Our Catholic duty binds us to obedience to all orders in relation to spirituals emanating from the supreme spiritual authority; but our Catholic faith does not bind us to believe that the court of Rome, any more than any other court, is infallible in its political administration or in mat-

ters of mere human prudence. We are free to hold and to say that we think the court of Rome has committed a mistake in not following up the liberal policy inaugurated by our present Holy Father on his accession to the papal throne, and in encouraging such men as Louis Veuillot, or such journals as the late *Univers*, or the present *Monde*. These men and journals, in consequence of the encouragements they have received, have gained an undue influence in the Catholic world, which they have exerted, so far as we can see, only for evil. They have misled a large number of the bishops and clergy in France and elsewhere, alienated the affections of many of those who, from the noble stand taken by Catholics in 1848 and 1849, had been strongly attracted towards her, and have seemed to commit the cause of Catholicity irrevocably to cæsarism. Deeply now do Catholic interests suffer from this, as we believe, mistaken policy. The cause of absolutism in Europe is everywhere falling; Austria abandons it and seeks to give herself a liberal constitution, and even the emperor of the French has judged it prudent to permit a freer expression of opinion and greater publicity on political subjects than were at first allowed in his empire, and has gained the adhesion of a large class of liberals whose support might have been obtained for the Catholic cause. But, notwithstanding this, the church is not and cannot be committed to the cause of despotism, and Catholicity itself is still, as ever, the friend and the support of all true or desirable liberty.

We are well aware of the defects of modern civilization; but these are defects which cannot be supplied without religion. Both civilization and religion suffer when separated. Civilization without religion necessarily becomes low and materialistic, and religion, when it fails to animate and direct civilization, fails in an important part of its work. The great evil of our times lies in the fact of their separation, and though neither is the other or a part of the other, yet, for the perfection or complete actualization of each, both should act in union. We gain nothing for religion by standing aloof from modern civilization and denouncing it as low, earthly, and unchristian, for it is not in our power to arrest its tendency, or in its power, without the assistance of the church, to correct its defects or elevate its character.

When God would redeem man and raise him to the plane of a supernatural destiny, he makes himself man assumes,

flesh with all its infirmities, sin excepted. In this is the principle of all reform, the higher seeks the lower, the perfect completes the imperfect, the firm take up and heal the infirm. God did not wait for man to come to him; he descended to man. So must it be with regard to civilization. If we would redeem it, and give it an elevated tone and character, the church must accept it, take it to herself, and breathe into it her own pure and divine spirit. There is no intrinsic and invincible incompatibility between modern civilization and our holy religion; the church can exist and perform her functions in a free as well as in a despotic state; the church can deal with republics as well as with monarchies, and the people can be made as efficient servants of God as princes and nobles. Railways, steamboats, and lightning telegraphs may be used by ministers of religion as well as by ministers of state, and nothing can better serve the interests of the church than the general education and intelligence of the people. There is nothing in Catholic doctrine, nothing in the teaching of the fathers and doctors of the church, or in the canons and definitions of popes and councils that makes it less Catholic to travel in a railway car or a steamboat than in an ox-cart, a coach drawn by horses, on horseback, or in a ship propelled by sails; to spin cotton by the mule or jenny, than by hand; or to recognize the sovereign authority of a national assembly than of a prince "born in the purple." There is, then, no more necessary hostility between Catholicity and modern civilization than there was between it and the mediæval.

The republican movements of the day have generally assumed a character of hostility to the church, we grant; but not because there was any inherent hostility between them and our holy religion, nor because republicans, as such, are unwilling to submit to its authority, but because they have found, or imagined they found, the power and influence of the church directed against them and wielded in support of despotism. The church has no doubt suffered much and must suffer still more during the transition from the previous political order to that which is now in process of establishment; but she has suffered no more, and is likely to suffer no more, than she suffered in the transition from the imperial Roman system of the first centuries to the feudal system of the middle ages, or from the feudal system of the middle ages to the monarchical system established in the sixteenth and seventeenth centuries. In the first she

lost the greater part of the East; in the second fully one-third of the North and West; in the present transition she need lose no nation, and would lose but few individuals, if her children could be persuaded that the republican hostility is only accidental and not necessary, or could understand that the friends of constitutional government have hearts no less susceptible of religious influence than are the hearts of the friends of despotism. The evil lies in regarding what is accidental and temporary as inherent and permanent. If the ministers of religion would take as much pains to prove to the party of progress that they can have all the progress they desire without abandoning the church, that they do to prove to them that their progress without religion is no real progress and can have only a fatal result, the evil would, in a great part, be removed, and religion and liberty be permitted to walk hand in hand. The great mistake is in supposing that the error is not mutual, but all on the side of the liberal movement. Unhappily the friends of religion and the friends of progress fall into precisely the same error, each hold that liberty and religion are mutually repugnant one to the other. Hence those in whom the passion for liberty predominates break from the church and make war on religion, while they in whom religion predominates break with modern civilization and anathematize liberty. Each is alike hostile to the interests both of the church and civilization; both need to correct their views, for both lose sight of the real relations between the natural and the supernatural. True wisdom demands the conciliation of religion and liberty, so that there shall never be imposed on any one the terrible alternative of choosing between them or of sacrificing the one to the other.

Nevertheless there is something to be said in extenuation of the conduct of those Catholics who refuse to accept modern civilization and its changes, and in defence of the policy which for the last few years has apparently been pursued by the court of Rome. Rome has been placed in a difficult position; she has been opposed and her very existence threatened by the democratic revolutionists, and has had only the despotic and arbitrary governments of Europe on which to rely for her defence against them. To have declared in favor of the liberal movement or to have withheld her encouragements from those who combatted red-republicanism or socialism, even from the point of view of cæsarism, might have been to throw away all the temporal

support on which she could rely, and to have armed the governments as well as the mob against her; besides, Catholics are affected like others by their social position and human interests. They, no more than others, can see broken down or destroyed the order of things under which they have been born, grown up, and lived, without feeling that a great evil is threatened them or that they should do their best to resist it. Those Catholics in Europe who have resisted, and resist, the changes and revolutions still going on, have done, and are doing, no more than we who are loyal to the flag of our Union, and rapidly arming against the great southern rebellion, are ourselves doing. We believe it our duty and our interest to make the greatest efforts possible in defence of the institutions bequeathed us by our fathers and to preserve in its integrity and its efficiency the government we have inherited. We take our stand on the side of constituted order, of legitimate authority, of loyalty. European Catholics who resist the revolutionary movements of their respective countries do the same, and must be regarded as acting from as pure, from as high, from as noble, and from as disinterested motives as ourselves. They believe in neither the wisdom nor the necessity, in neither the justice nor the utility of the changes proposed to be effected, and therefore are fully justified in their own minds and in their own consciences in offering the most effective resistance to them in their power. Taking their stand-point, we cannot censure them, but, if we have any sense of loyalty, or honor, or chivalric sentiment in our natures, we must applaud them; for then we could see no more merit in the party they resist than we ourselves can see in our southern rebels and traitors.

The complaint we make of them is not that they resist political and social changes in their capacity as loyal citizens and subjects, but that they attempt to bind the church to the order they defend and to render her interests inseparable from its preservation, thus calling to their aid a power to which they have no right and committing the church to an order which is passing away. They seem to us to continue their resistance in the name of religion when resistance has become vain. We resist firmly and with all our power the attempt of the rebels in our own country to dissolve the Union and to set up a separate nationality for themselves, because we believe it our right and our duty to do so, and also because we believe we have the power to

make our resistance effectual. Yet, were, which God forbid! the federal arms to be defeated, the powers of the federal government to be exhausted, the rebels victorious, and there ceased to be any reasonable prospect of subduing them and preserving the Union in its integrity, we should believe it wise and just and even our duty to cease resistance and to assent to a separation of these states and the formation of a southern confederacy as a free and independent state. We may be wrong, but we regard the conservative cause in Europe as a lost cause, and that the longer the struggle to preserve it continues, the more disadvantageous to the conservatives will be the peace or final adjustment of the controversy. We think better terms can be obtained now than after a longer struggle.

Yet in all this we may be wrong, just as those at home and abroad are wrong who advise a peaceable acquiescence in the demands of our southern rebels and in a final separation between the slaveholding and the non-slaveholding states. Certainly our noble friend, Count Montalembert, in whose judgment we place great confidence, does not believe the battle to be as yet finally lost. He believes it still possible to defeat the Napoleon-Cavour policy, to retain the temporal sovereignty of the Holy See, and to reëstablish the Holy Father in the full possession of all his temporal rights. He is nearer the scene of action than we are, and knows far better than we do, the agencies at work and the temporal resources of the Holy See. It may be that he is justified in his hopes, and that our fears are groundless, or that we have taken as *un fait accompli* what not only is not effected, but not likely to be effected. We assure him that we shall be much better pleased to find that he is right than we shall to find that we are right. We love not changes, and, if the maintenance of the temporal sovereignty of the Holy See can be preserved, and preserved in peace, in harmony with the wishes and interests of Catholic Europe, we shall be highly gratified and most grateful to Almighty God. What we want is not that this temporal sovereignty should be abolished, is not that the Holy Father should be compelled again to take refuge in the catacombs of Rome, be an exile or a martyr, is not that he and his court should be driven out of house and home, but that the real interests of the church should be harmonized with whatever is good and desirable in modern civilization.

We will say, in conclusion, that we are far from being

convinced that the affairs of the peninsula are either settled, or in train of being settled speedily. In the first place, we have some doubts if divine Providence will give a final victory to a power that has been so unjust, so iniquitous, so unscrupulous in the means it has adopted, as the Piedmontese government; in the second place, we do not believe that the emperor of the French really wishes all Italy to be united in one kingdom under Victor Emanuel, or any other Italian prince. If he could count always on the king of Italy for his ally, he would no doubt be favorable to Italian unity, as it would strengthen France against her enemies, and, in some sense, preserve to her the hegemony of Europe; but he knows far better than we do that this is not to be counted upon. Italy once constituted and recognized as an independent kingdom will follow in its alliances its own interest, and be as likely to ally itself with England, Austria, or Russia as with France. He must see that a united Italy would be followed by the union of the Spanish peninsula under a single government, and by the unity of Germany, which, instead of strengthening France, would really reduce her to a second-class power. If he finds it impossible to carry out the policy of his uncle, and virtually to absorb the Spanish and Italian peninsulas in his own empire, he will most likely return to what for centuries has been the policy of the French government, that of permitting no great centralized power on the frontiers of France. It has always been the policy of the French government to keep Italy divided, to prevent a union of the Spanish and Portuguese crowns, or the formation of a strong centralized Germany. To this policy it is not unlikely his imperial majesty will yet return. If so, the policy of Count Cavour will be thwarted, and the papal states restored to the Holy See. New wars may also break out between the great powers, which in their results may bring about, as at the peace of Vienna in 1815, the reëstablishment in its integrity of the papal government; but, if so, we hope it will be without compelling us to go over again the experience of the last forty-five years. If that government is reëstablished, we hope it will be really independent and obliged to follow the policy neither of Austria nor of France, and that Italian patriots will cease to disturb the peace of Europe.

# SARDINIA AND THE HOLY FATHER.*

[From the Catholic World for June, 1871.]

THE volume giving the call and proceedings of the meeting held last January at the Academy of Music, in this city, in celebration of Italian unity, especially the occupation of Rome and the suppression of the papal government, is handsomely printed, and does credit to the taste and skill of our New York book-makers; but it is a sad book, and almost makes one despair of civil society and natural morality. Nothing can be more sad and discouraging to all right-minded men than to see a large number of the most distinguished and influential men of a great nation—statesmen, politicians, judges, lawyers, officers of the army, ministers of religion, journalists, poets, philosophers, scholars, professors and presidents of colleges and universities—assisting by their presence, addresses, letters, or comments, to applaud events notoriously brought about by fraud, craft, lying, calumny, and armed force, in contravention of every principle of international law and of public and private right. It is a sad thing for our republic when so many of its representative men, whose names are recorded in this volume, can endorse the fraud and violence by which the Sard king has effected what he calls the unity of Italy, and congratulate him on his successful sacrilege and spoliation in the Roman state; and the only consolation left us is that, with a solitary exception, no Catholic name appeared on the list, and all the sympathizers are Protestants, and all, or nearly all, prominent adherents of the same dominant political party.

To the unity of Italy, under some circumstances, we might not seriously object. It is true, we hold small states are more favorable to the growth of intelligence, the development of elevated and strong personal character, to individual liberty, to social well-being, to the moral progress of the people, than huge centralized states or empires, which can be governed only despotically, and in which there is so great a distance between power and the people that personal and

1. *The Unity of Italy.* The American Celebration of the Unity of Italy, at the Academy of Music, New York, Jan. 12, 1871: with the Addresses, Letters, and Comments of the Press. New York: 1871.

2. *Programma dell' Associazione de' Libri Pensatori in Roma. La Commissione.* Roma, Febbraio, 1871.

affectionate relations between the governors and the governed, and which do so much to soften the asperities of authority and to render obedience willing and cheerful, are, for the most part, impracticable. But if the several independent Italian states that have been absorbed by Sardinia to form the new kingdom of Italy had freely and of their own accord given their consent to the absorption, and no craft, fraud, violence, or disregard of public or private right had been resorted to in order to effect it, we might doubt its wisdom, but we could not object to it on the ground of international law or of natural justice. We, of course, defend the temporal sovereignty of the pope; but if the pope had, *motu proprio*, without coercion, the show or the threat of coercion, given his consent to the absorption of the Roman state in a united Italy, we should have nothing to say against it, for it would have been the act of the Roman state, no public or private right of justice or morality would have been violated, and no blow struck at the equal rights of independent states or nations, at the authority of the sovereign power of a state to govern it, or to the duty of obedience to it.

But it is well known that such is not the case either with the Holy Father or the several other Italian sovereigns that have been dispossessed and their states absorbed by Sardinia in order to effect Italian unity. In every case, the absorption was effected by violence and force, without and against the consent of the sovereign authority. The pope refused his assent to the absorption of the ecclesiastical state, and said, to the demand to surrender it, *Non possumus*. The Roman people, without the pope, gave no assent—had no assent to give or to withhold; for, without the pope, they were not a state or a sovereign people. It matters not whether plebiscitums can or cannot be alleged, for a plebiscitum, where there is a legitimate government, cannot be taken without its authority, especially not against its authority; for without its authority it would be a legal nullity, and against it it would be revolutionary and criminal. Nor would it help the matter for the absorbing state to invade with its armies the state to be absorbed, overthrow the legitimate government, take forcible possession of the territory, and then call upon the population to decide their future condition by a plebiscitum, so long as a legitimate claimant to the government remains living. This was the case in the Roman state and in the other independent Italian states that have been absorbed. As a plebiscitum before the con-

quest is treasonable and not permissible, after the conquest it is a mockery, for the fate of the state is decided, however the population may vote.

Let us look the facts in the face, and see by what deeds and on what principles the unity of Italy has been effected. Sardinia, aided by France and Prussia, made an unprovoked war on Austria, and wrested from her the Lombardo-Venetian kingdom, and appropriated it to herself. Neither she nor her allies had any just cause of war against Austria, or even of offence, except that she wanted to get possession of all Italy. France wanted the left branch of the Rhine for her boundary, and Prussia wanted to absorb the rest of Germany. There was no other reason for the war. The several independent ducal states fell with Austria, with whom they were closely allied, and were invaded and taken possession of by the Sard king. The kingdom of the Two Sicilies was invaded by Garibaldi and his filibusters, backed —covertly at first, openly at last—by the Sard government, conquered, because the Neapolitan king listened to the insidious advice and deceitful promises of imperial France, said to have been given not to offer any serious resistance, taken possession of and appropriated as the highwayman appropriates the traveller's purse. The Æmilian provinces of the Roman state, prepared for insurrection by the secret societies and Sardinian emissaries, were invaded by the Sardinian forces and appropriated by the house of Savoy. Finally, the Roman state was invaded by the same Victor Emanuel, with too strong a force for the papal government to resist, its sovereign declared deposed, its government suppressed, and its territory and people annexed to the so-called kingdom of Italy.

This simple recital of facts tells the whole story. Sardinia, aided by the arms and diplomacy of France and Prussia, by the foreign policy of the Whigs and radicals of Great Britain, the intrigues of the secret societies, the money and coöperation of the Protestant propaganda, the malcontents and malefactors of all the states of Italy, and adventurers and miscreants from all nations of the earth, has succeeded, without any right, without having received any offence or provocation, in the violation of every principle of international law and every precept of morality or natural justice, in absorbing every Italian state, and effecting the unification of the whole peninsula under her own royal house. These are the facts, stated in their simplest form, without passion and without exaggeration.

These facts, being public and notorious, must be as well known to those distinguished American sympathizers who addressed the meeting or wrote letters of approval to the committee that called it as they are to us. We dare not so insult the intelligence of such eminent men as to suppose, for a moment, that they did not know what they sympathized with, or that, in applauding the unity of Italy, they were ignorant of the craft, violence, and robbery that had been resorted to in order to effect it. What, then, must we and all right-minded men think of their own principles, of their religion, their politics, or their sense of justice? Does their Protestantism or their hatred of the papacy justify, approve the violation of international law, the equal rights of sovereign states, the sacred rights of property, public and private, the principles of natural justice, the basis of the state and of all legitimate authority, without which not even natural society itself can subsist? Does it authorize them to applaud unprovoked war and conquest, and public and private robbery? If so, how can they justify their Protestantism or their hatred of the papacy? If they cannot assert either without denying all public and private right and trampling on all laws, human and divine, how can they regard either as defensible?

There is no mistaking the real character of the acts by which the sovereign states of Italy have been suppressed by Sardinia and her allies, and the present unification of Italy effected; and it only adds to their atrocity that it was done in part by exciting the populations, or a portion of them, to insurrection and rebellion against their respective sovereigns. There is nothing meaner or more unjustifiable than for one sovereign to tamper with the fidelity of the subjects of another, especially in time of profound peace between the two states. If persisted in, it is a justifiable cause of war. International law, or the law of nations, makes all sovereign states equal in their rights, without regard to the form of government, size, race, language, or geographical position; and the law of ethics, at least, requires each sovereign state to respect, and to cause its subjects to respect, the authority of every other sovereign state over its own subjects, as it requires every other to respect its authority over its subjects. The rule is, no doubt, often violated, but it is none the less sacred and binding on that account. It is equally wrong for the citizens of one state to attempt to seduce the citizens of another state from their allegiance.

International law, national law, municipal law, as well as the moral law, know nothing of the doctrine, so eloquently preached by the ex-governor of Hungary, of "the solidarity of peoples."

Mr. Richard H. Dana, Jr., an able lawyer, reputed to be well versed in the law of nations, and who affects, in his elaborate letter to the committee, to argue the question as it affects Catholics with fairness and candor, appears to have some doubts whether the invasion of the Roman state by the Sardinian troops, the deposition and virtual imprisonment of its sovereign in his own palace, and the annexation of its territory and inhabitants to the dominion of the house of Savoy, is really a violation of international law; but he evidently, besides arguing the question on a collateral issue, takes a juridical instead of an ethical view of international law, and considers it only so far as it enters into the national jurisprudence, and is enforcible by the nation through its own courts on its own citizens. Yet he cannot be ignorant that there are violations of international law which cannot be taken cognizance of by the national jurisprudence, and which may be, and often are, justifiable causes of war. The basis of international law is the law of justice, or *droit naturel*, as it is the basis of all natural ethics. There may be treaty or conventional agreements between nations, which must be considered whenever the case comes up juridically, or the law is to be juridically enforced, but these cannot abrogate or modify the law of justice, the *jus gentium* of the Roman jurists, which is the principle and foundation of all law. Acts in contravention of justice, St. Augustine and St. Thomas after him tell us, are violences rather than laws, and are nullities. International law applies justice to the mutual relations of sovereign states, precisely as ethics does to the relations of individuals. It declares all sovereign states equal in their rights, the territory of each to be sacred and inviolable, and that no one is permitted to do to another what it would not have another to do to it. The rule is plain and practicable, and under it Mr. Dana's doubts ought to vanish. For one sovereign state to invade with its armies another, suppress its government, and absorb its territory and population, without any provocation or any offence given, but merely because it wants it to complete and round off its own territory, as Sardinia has done to the Roman or ecclesiastical state, is too manifestly a violation of interna-

tional law to leave any doubt on any mind that does not hold the principle of all law to be that might makes right.*

No doubt certain untenable theories of popular sovereignty and certain alleged plebiscitums have had something to do with blinding the eyes of our American sympathizers to the atrocity of the acts they applaud. But plebiscitums cannot be pleaded when taken without the order or assent of the sovereign authority, if there is a sovereign authority, as we have already said. In the case of every Italian state absorbed, there was a sovereign authority, and the plebiscitum taken was not by its order or assent, but against its positive prohibition. It is idle to say that the people of these several states gave their consent to be absorbed, for except as the state, represented by its sovereign authority, there is no people with a consent either to give or to withhold. The people, no doubt, are sovereign in the constitution and government, but not otherwise, for otherwise they would have no existence. A people or population of a given territory wholly disorganized, without constitution or laws, and deprived of all government, must necessarily, for simple preservation, reorganize and reconstitute government by conventions or plebiscitums as best they can; but when they have reconstituted government or the state, their sovereign-

* The question, Mr. Dana really argues, is, whether Catholics in other than the Roman state have, under the law of nations, a right to insist that by virtue of their donations, or what the law treats as eleemosynary gifts, they shall continue to be vested in the Holy See? The answer must be founded on the acknowledged principle of law, that all gifts of the sort must be invested and appropriated according to the will of the donors; and in the interest of all Catholics in the Holy See, as the mistress and mother of all the churches, Catholics throughout the world have an ethical right that their gifts shall be invested and appropriated to the purposes for which they are given; but we doubt if their right can be juridically asserted under international law, in the courts of the usurping state, or of any other state, since the state of the church is suppressed. But there can be no doubt, from the relation of all Catholics to the Holy See, the invasion of her rights and despoiling her of possessions, whether absolute or only fiduciary, gives to all Catholic powers the right of war against the invader and despoiler. At the order of the Holy Father, Catholics throughout the world would have the right, even without the license of their temporal sovereigns, to arm for the recovery and restoration to the Holy See of the possessions or trusts of which she may be despoiled, because these possessions and trusts belong to the spirituality, and the Holy Father has plenary authority in spirituals, and is the spiritual sovereign, not the temporal sovereign, of all Catholics. If Italian Catholics had understood that the Roman state belonged to the Holy See, and therefore to the spirituality, they would have understood that no order of their king could bind them to obey him in despoiling the Roman state, or in entering it against the order of the pope, for in spirituals the spiritual sovereign overrides the temporal sovereign.

ty merges in it. The people of the United States and of the several states can amend the constitution, but only constitutionally, through the government. The notion which has latterly gained some vogue, that there persists always a sovereign people back of the government and constitution, or organic people, competent to alter, change, modify, or overturn the existing government at will, is purely revolutionary, fatal to all stable government, to all political authority, to the peace and order of society, and to all security for liberty, either public or private. We see the effects of it in the present deplorable condition of France.

The resolutions reported by the committee and adopted by the meeting, and which Dr. Thompson in his address tells us "are constructed on a philosophical order of thought," attempt to place "the temporal power of the pope within the category of all earthly human governments, and bound by the same conditions and subject to the same fortunes." This may be successfully disputed. The Roman or ecclesiastical state was a donation to the Holy See or the church of Rome. Gifts to the church are gifts to God, and when made are the property, under him, of the spirituality, which by no laws, heathen, Jewish, or Christian, can be deprived of their possession or use without sacrilege. They are sacred to religious uses, and can no longer, without the consent of the spirituality, be diverted to temporal uses, without adding sacrilege to robbery. Whoso attacks the spirituality attacks God. The property or sovereignty of the Roman state vests, then, in the Holy See—hence it is always called and officially recognized as the state of the church—and not in the pope personally; but in him only *ex officio* as its incumbent, as trustee, or administrator. Hence the pope denied his right to surrender it, and answered the minister of Sardinia, *Non possumus*. The temporal power of the pope is therefore not within the category of all earthly human governments, but is the property of the spirituality. Victor Emanuel, in despoiling the pope, has despoiled the Holy See, the spirituality, usurped church property, property given to God, and sacred to the religious uses. The deed which our eminent jurists and Protestant divines sympathize with and applaud, strikes a blow at the spirituality, at the sacredness of all church property, of Protestant churches as well as of Catholic churches—at the sacredness of all eleemosynary gifts, and asserts the right of power when strong enough to divert them from the purposes of the

donors. These Protestant ministers assert in principle that their own churches may be despoiled of their revenues and funds without sacrilege, without injustice, by any power that is able to do it. They defend the right of any one who chooses to divert from the purpose of the donors all donations and investments to found and support hospitals, orphan asylums, retreats for the aged and destitute, asylums for idiots, deaf-mutes, the blind, the insane, public libraries, schools, colleges, seminaries, and academies, peace societies, tract societies, home and foreign missionary societies, and Bible societies; they not only defend the right of the state in which they are placed to confiscate at its pleasure all funds, revenues, and investments of the sort, but the right of any foreign state to invade the territory in time of peace, take possession of them by armed force, as public property, and to divert them to any purpose it sees proper. Did the learned divines, the eminent jurists, who approve the resolutions, ever hear of the speech of Daniel Webster and the decision of the supreme court of the United States in the famous Dartmouth College case? Or are they so intent on crushing the papacy that they are quite willing to cut their own throats?

But the fact of the donation to the Holy See is denied. Be it so. Certain it is that the Roman state never belonged to the Sard kingdom; that the church has always claimed it, had her claim allowed by every state in the world, has possessed the sovereignty, not always without disturbance, for a thousand years without an adverse claimant; and that is sufficient to give her a valid title by prescription against all the world, even if she have no other, which we do not admit—an older and better title than that of any secular sovereign in Europe to his estates. Every sovereign or sovereign state in Europe is estopped by previous acknowledgment, and the absence of any adverse claimant with the shadow of a right, from pleading the invalidity of the title of the Holy See. The Roman state is therefore ecclesiastical, not secular.

Whether Père Lacordaire ever said, as Dr. Thompson asserts, that "in no event could the people be donated," or not, we are not authentically informed; but if he did, he said a very foolish and a very untrue thing. The people cannot be donated as slaves, nor could any of their rights of property or any of their private or public rights be donated. Every feudal lawyer knows that. The donation, grant, or

cession could be and was only the right of government and eminent domain, or the right the grantor possessed; but that could be ceded as Louisiana was ceded by France, Florida by Spain, and California by Mexico, to the United States. In the cessions made to the Holy See, no right of the people to govern themselves or to choose their own sovereign was ceded, for the people ceded had no such right, and never had had it. The sovereign who had the right of governing them ceded his own right to the church, but no right or possession ever possessed by the people or inhabitants of the territory. International law knows no people apart from the sovereign or government. The right of self-government is the right of each nation or political people to govern itself without the dictation or interference of any foreign power, and is only another term for national independence. What was Pepin's or Charlemagne's, either could cede without ceding any right or possession of the people. So of the donations or cessions of that noble woman, the protectress of St. Gregory VII., the Countess Mathilda. If Père Lacordaire ever said what he is reported to have said, he must have forgotten the law to which he was originally bred, and spoken rather as a red-republican than as a Catholic theologian, statesman, or jurist.

But waiving the fact that the sovereignty of the Roman state has a spiritual character by being vested in the Holy See, and granting, not conceding, that it is in "the category of all earthly sovereignties," its right is no less perfect and inviolable, and the invasion and spoliation of the Roman state by Sardinia, as of the other Italian states, are no less indefensible and unjustifiable on any principle of international law or of Christian or even of heathen ethics; for one independent state has no right to invade, despoil, and appropriate or absorb another that gives it no just cause of war. Nor is the act any more defensible, as we have already shown, if done in response to the invitation of a portion, even a majority, of the inhabitants, if in opposition to the will of the legitimate authority. Such invitation would partake of the nature of rebellion, be treasonable, and no people has the right to rebel against their sovereign, or to commit treason. Men who talk of "the sacred right of insurrection," either know not what they say, or are the enemies alike of order and liberty. The people have, we deny not, the right to withdraw their allegiance from the tyrant who tramples on the rights of God and of man, but

never till a competent authority has decided that he is a tyrant and has forfeited his right to reign, which a Parisian or a Roman mob certainly is not. How long is it since these same gentlemen who are congratulating Victor Emanuel were urging the government, leading its armies, or fighting in the ranks, to put down what they termed a rebellion in their own country, and condemning treason as a crime?

But the Romans and other Italians are of the same race, and speak the same language, we are told. That they are of the same race is questionable; but, suppose it, and that they speak the same language. They are no more of the same race and speak no more the same language, than the people of the United States and the people of Great Britain; have we, on that ground, the right to invade Great Britain, dethrone Queen Victoria, suppress the imperial parliament, to annex politically the British empire to the United States, and to bring the British people under congress and President Grant?

But as Italy is geographically one, it ought, we are told again, to be politically one. The United States, Canada, and Mexico, including Central America and British Columbia, are geographically one; but will any of the honorable or reverend gentlemen who addressed the meeting, or wrote letters to the committee that called it, contend that we have, therefore, the right unprovoked, and simply because it would be convenient to have them politically a part of our republic, to invade them with our armies, suppress their present governments, and annex them to the Union?

"Rome is the ancient capital of Italy, and the Italian government wishes to recover it, and needs its prestige for the present kingdom of Italy." But in no known period of history has Rome ever belonged to Italy; Italy for ages belonged to Rome, and was governed from and by it. Never in its whole history was Rome the capital of an Italian state, or the seat of an Italian government. She was not the capital of any state; she was herself the state as long as the Roman empire lasted, and as such governed Italy and the world. The empire was not Roman because Rome was its capital city, but because Rome was the sovereign state itself, and all political power or political rights emanated, or were held to emanate, from her; and hence the empire was Roman, and the people were called Romans, not Italians. If you talk of restoration, let it be complete—recognize Rome as the sovereign state, and the rest of the world be held as

subject provinces. Italy was never the state while Rome governed, nor has the name Italy at all times had the same geographical sense. Sometimes it meant Sicily, sometimes the southern, other times the northern, part of the peninsula —sometimes the heel or the foot, and sometimes the leg, of the boot.

It might or it might not be desirable for the pretended kingdom of Italy to have Rome for its capital, or the seat of its government, though we think Florence in this mercantile age would be far more suitable. But suppose it. Yet these Protestant ministers must know that there is a divine command that forbids one to covet what is one's neighbor's. Achab, king of Israel, wanted Naboth's vineyard, and was much troubled in spirit that Naboth would not consent to part with it either for love or money. His queen, the liberal-minded Jezabel, rebuked him for his dejection, and, fearing to use his power as king of Israel, took measures in his name that Naboth should be stoned to death, and the vineyard delivered to Achab. It was all very simple and easily done; but we read that vengeance overtook the king, fell heavily on him, his household, and his false prophets; that Jezabel fled from the avenger, was overtaken and slain, and "the dogs came and licked up her blood." There is such a reality as justice, though our American sympathizers with the liberal and enlightened Jezabel seem to have forgotten it.

Dr. Stevens, the Protestant Episcopal bishop of Pennsylvania, rejoices at the spoliation of the pope, the absorption of the Roman state, and the unification of Italy, because "Italy is thus opened to liberal ideas, and Rome itself unlocked to the advancing civilization and intelligence of the nineteenth century." Which advancing civilization and intelligence are aptly illustrated, we presume, by the recent Franco-Prussian war, the communistic insurrection in Paris, the prostration of France, the nation that has advanced furthest in liberal ideas and nineteenth-century civilization. We have here on a fly-sheet a specimen of the liberal ideas to which Italy is opened, and of the sort of civilization and intelligence to which Rome is unlocked. We extract it for the benefit of Bishop Stevens and his brethren:

"Religions said to be revealed," these free-thinkers tell us, "have always been the worst enemy of mankind, because by making truth, which is the patrimony of all, the privilege of the few, they resist the progressive development of science and liberty, which can alone solve the gravest social problems that have tormented entire generations for ages.

"Priests have invented supernatural beings, made themselves mediators between them and men, and go preaching always a faith that substitutes authority for reason, slavery for liberty, the brute for the man.

"But the darkness is rarefied, and progress beats down the idols and breaks the chains with which the priesthood has bound the human conscience. Furiously has raged the war between dogma and the postulates of science, liberty and tyranny, science and error.

"The voice of justice, so long silenced in blood by kings and priests conspiring together, comes forth omnipotent from the secret cells of the Inquisition, from the ashes of the funeral pile, from every stone sanctified by the blood of the apostles of truth. People believed the reign of evil would last for ever, but the dawn has become day, the spark a conflagration. Rome of the priests becomes Rome of the people, the Holy City a human city. She no longer lends herself to a hypocritical faith, which, by substituting the form for the substance, excites the hatred of people against people solely because the one worships a God in the synagogue and the other in the pagoda.

"The association of free-thinkers is established here most opportunely to give the finishing stroke to the crumbling edifice of the priesthood, founded in the ignorance of the many by the astuteness of the few. Truth proved by science is our creed; respect for our own rights in respecting the rights of others, our morality.

"It is necessary to look boldly in the face the monster which for ages has made the earth a battle-field, to defy him openly and in the light of day. We shall thus be true to the programme of civilization, in the name of which the *world has applauded the liberation of Rome* from the pope, and we call upon all who love the moral independence of the family, prostituted and enslaved by the priest, upon all who wish a country great and respected, upon all who believe in human perfectibility, to unite with us under the banner of science and justice.

"To Rome is reserved a great glory—that of initiating the third and most splendid epoch of human civilization.

"Free Rome ought to repair the damage done to the world by sacerdotal Rome. She can do it, and she must do it. Let the true friends of liberty be associated, and descend to no compromise, no bargain with the most terrible enemy the human race has ever had."

This programme of the Association of free-thinkers in Rome is not an inapt commentary on the letter of the bishop of Pennsylvania, and is a hearty response to the sympathy and encouragement given them in their work of destruction by the great and respectable New York meeting. It at least tells our American sympathizers how their friends in Rome understand their applause of the deposition of the pope from his temporal sovereignty and the unity of Italy. Are they pleased with the response given them?

There may be a difference between the free-thinkers and their American friends; but the chief difference apparently is, that the free-thinkers are logical and have the courage of their principles, know what they mean and say it frankly, without reticence or circumlocution, while their American sympathizers have a hazy perception of their own principles, do not see very clearly whither they lead, and are afraid to push them to their last logical consequences. They have not fully mastered the principles on which they act; only half-know their own meaning; and the half they do know they would express and not express. Yet they are great men and learned men, but hampered by their Protestantism, which admits no clear or logical statement, except so far as it coincides with the free-thinkers in regarding the papacy as a monster, which must, in the interests of civilization and liberty, be got rid of. Yet we can discover no substantial difference in principle between them. The deeds and events they applaud have no justification or excuse, save in the atrocious principles set forth by the free-thinkers. We are willing to believe these distinguished gentlemen try to persuade themselves, as they would fain persuade us, that it is possible to war against the papacy without warring against revealed religion or Christian morals, as did the reformers in the sixteenth century; but these Roman free-thinkers know better, and tell them that they cannot do it. They understand perfectly well that Christianity as a revelation and an authoritative religion and the papacy stand or fall together; and it is because they would get rid of all religions that claim to be revealed or to have authority in matters of conscience, that they seek to overthrow the papacy. They attack the temporal sovereignty of the pope only as a means of attacking more effectually his spiritual sovereignty; and they wish to get rid of his spiritual sovereignty only because they wish to rid themselves of the spiritual order, of the law of God, nay, of God himself, and feel themselves free to live for this world alone, and bend all their energies to the production, amassing, and enjoying the goods of time and sense. It is not the pope personally, or his temporal government as such, that they call the worst enemy of mankind, or the "monster that for ages has made the earth a field of blood," but revealed religion, but faith, but the supernatural order, but the law of God, the spiritual order, which the pope officially represents, and always and everywhere asserts, and which his temporal power aids him to assert more freely

and independently. ' They recognize no medium between the papacy and no-religion. They disdain all compromise, admit no *via media*, neither the Anglican *via media* between "Romanism" and dissent, nor the Protestant *via media* between the papacy and infidelity. They war not against Protestantism, though they despise it as a miserable compromise, neither one thing nor another; they even regard it with favor as a useful and an efficient ally in their anti-religious war.

The free-thinkers in Rome and elsewhere present the real and true issue between the papacy and its enemies, and give the real meaning of the atrocious deeds which have effected the deposition of the pope, the absorption of the state of the church, and the unity of Italy under the house of Savoy. They present it, too, without disguise, in its utter nakedness, so that the most stolid cannot mistake it; precisely as we ourselves have uniformly presented it. The issue is "the papacy or no-religion," and the meaning of the deeds and events the New York meeting applauded is, "Down with the papacy as the means of putting down religion and emancipating the human conscience from the law of God!" How do the Protestant Episcopal bishop of Pennsylvania, and his brother Protestant Episcopal bishops among the sympathizers with Italian unity, like the meaning or the issue, when presented truly and honestly, and they are forced to look it squarely in the face? What does Mr. Justice Strong, of the supreme court of the United States, think of it? He is the president of an evangelical—perhaps we should say fanatical—association, whose object is to procure an amendment to the preamble of the constitution of the United States, so that the republic shall be made to profess, officially, belief in God, in Christ, and the supernatural inspiration of the Scriptures of the Old and New Testaments. What says he to the assertion that "religions said to be revealed have always been the worst enemy of mankind"? Yet his name appears among the sympathizers with Italian unity. Do these gentlemen know what crimes and atrocities they applaud, and what is the cause with which they express their sympathy? Or, like the old Jews who crucified the Lord of Life between two thieves, are they ignorant of what they do?

These Roman free-thinkers only give us the programme of the secret societies, who have their net-work spread over all Europe, and even over this country; of the Mazzinis and

Garibaldis, of the red-republicans and communists, who have instituted a new reign of terror in Paris, who are filling the prisons of that city while we are writing (April 7, 1871) with the friends of order, with priests and religious, plundering the churches, entering and robbing convents and nunneries, and insulting and maltreating their peaceful and holy inmates, banishing religion from the schools, suppressing the public worship of God, and drenching the streets in the blood of the purest and noblest of the land, all in the name of the people, of liberty, equality, and fraternity—the programme, in fact, of the whole revolutionary, radical, or so-called liberal party throughout the world. The realization of civil liberty, the advancement of science, the promotion of society, truth, and justice, are—unless, perhaps, with here and there an individual—a mere pretext to dupe simple and confiding people, and gain their support. The leaders and knowing ones are not duped; they understand what they want, and that is the total abolition of all revealed religion, of all belief in the spiritual order, or the universal, eternal, and immutable principles of right and justice, and the complete emancipation of the human intellect from all faith in the supernatural, and of conscience from all the law not self-imposed.

Are our American sympathizers with Victor Emanuel in his war on the pope, with the unity of Italy, and the revolutionary party throughout Europe, and with which the Protestant missionaries on the continent in Catholic nations are in intimate alliance, really dupes, and do they really fancy, if the papacy were gone, the movement they applaud could be arrested before it had reached the programme of the association of free-thinkers in Rome? We can hardly believe it. Europe was reorganized, after the fall of the Roman empire, by the papacy, and consequently on a Christian basis—the independence of the spiritual order, and the freedom of religion from secular control or intermeddling, the rights of conscience, and the supremacy of truth and justice in the mutual relations of individuals and of nations. No doubt the Christian ideal was far from being practically realized in the conduct of men or nations; there were relics of heathen barbarism to be subdued, old superstitions to be rooted out, and fierce passions to be quelled. The Philistines still dwelt in the land. In reorganized Europe there was no lack of great crimes and great criminals, followed often by grand penances and grand expiations; society in

practice was far from perfect, and the good work that the church was carrying on was often interrupted, retarded, or destroyed by barbarian and heathen invasions of the Normans from the North, the Huns from the East, and the Saracens from the South.

But the work was renewed as soon as the violence ceased. Under the inspiration and direction of the papacy and the zealous and persevering labors of the bishops and their clergy, and the monastic orders of either sex, assisted not unfrequently by kings and emperors, secular princes and nobles, the Christian faith became the acknowledged faith of all ranks and classes, individuals and nations. Gradually the old heathen superstitions were rooted out, the barbarisms were softened if not wholly subdued, just and humane laws were enacted, the rights of individuals and of nations were defined and declared sacred and inviolable, schools were multiplied, colleges established, universities founded, intelligence diffused, and society was advancing, if slowly yet surely, towards the Christian ideal. If men or nations violated the immutable principles of justice and right, they at least recognized them and their duty to conform to them in their conduct; if the law was disobeyed, it was not denied or so altered as to sanction men's vices or crimes; if marriage was sometimes violated, its sacredness and indissolubility were held to be the law, and nobody sought to conform it to the interests of lust or lawless passion; if a feudal baron wrongfully invaded the territory of his brother baron, or oppressed his people, it was acknowledged to be wrong; in a word, if the conduct of men or nations was bad, it was in violation of the principles which they held to be right—of the law which they owned themselves bound to obey. The conscience was not perverted, nor ethics and legislation made to conform to a perverted conscience.

But in the sixteenth century, bold, base, and disorderly men rose not only in acts of disobedience to the pope, which had been no rare thing, but in principle and doctrine against the papacy; declared it a usurpation, hostile to the independence of sovereigns and the Bible; denounced the papal church as the mystery of Babylon, and the pope as the man of sin. The sovereigns listened to them, and the people of several nations believed and trusted them, cast off the papacy, and interrupted the progress in manners and morals, in society and civilization, which had been going on from the sixth century to the sixteenth, under the auspices

of the popes. The reformers, as they are called, no doubt really believed that they could cast off the papacy and retain the church, Christianity, revealed religion, in even greater purity and efficiency. Yet the experiment, it must be conceded, has not succeeded. The church, as an authoritative body, has been lost with the loss of the papacy. The Bible, for the want of a competent and authoritative interpreter, has ceased to be authority for faith, and has been made to sanction the most various and contradictory opinions. Faith itself has been resolved into a variable opinion, and the law of God explained so as to suit each man's own taste and inclination. Religion is no longer the recognition and assertion of the supremacy of the spiritual order, the rights of God, and the homage due to our Maker, Redeemer, and Saviour; nothing eternal and immutable is acknowledged, and truth and justice, it is even contended, should vary from age to age, from people to people, and from individual to individual.

The state itself, which in several anti-papal nations has undertaken to supply the place of the papacy, has everywhere failed, and must fail, because, there being no spiritual authority above it to declare for it the law of God, or to place before it a fixed, irreversible, and infallible ideal, it has no support but in opinion, and necessarily becomes dependent on the people; and, however slowly or reluctantly, it is obliged to conform to their ever-varying opinions, passions, prejudices, ignorance, and false conscience. It may retard by acts of gross tyranny or by the exercise of despotic power the popular tendency for a time, but in proportion as it attempts it, it saps the foundations of its own authority, and prepares its own overthrow or subversion. If in the modern non-Catholic world there has been a marked progress in scientific inventions as applied to the mechanical and industrial arts, there has been an equally marked deterioration in men's principles and character. If there is in our times less distance between men's principles and practice than in mediæval times, it is not because their practice is more Christian, more just or elevated, for in fact it is far less so, but because they have lowered their ideal, and brought their principles down to the level of their practice. Having no authority for a fixed and determined creed, they assert as a principle that none is necessary, nay, that any creed imposed by authority, and which one is not free to interpret according to one's own private judgments, tastes,

or inclination, is hostile to the growth of intelligence, the advance of science, and the progress of civilization. The tendency in all Protestant sects, stronger in some, weaker in others, is to make light of dogmatic faith, and to resolve religion and morality into the sentiments and affections of our emotional nature. Whatever is authoritative or imposes a restraint on our sentiments, affections, passions, inclinations, fancies, whims, or caprices, is voted tyrannical and oppressive, an outrage on man's natural freedom, hostile to civilization, and not to be tolerated by a free people, who, knowing, dare maintain their rights.

Take as an apt illustration the question of marriage, the basis of the family, as the family is the basis of society. In the papal church marriage is a sacrament, holy and absolutely indissoluble save by death, and the severest struggles the popes engaged in with kings and emperors were to compel them to maintain its sanctity. The so-called reformers rejected its sacramental character, and made it a civil contract, and dissoluble. At first, divorces were restricted to a single cause, that of adultery, and the guilty party was forbidden to marry again; but at the pressure of public opinion other causes were added till now, in several states, divorce may be obtained for almost any cause, or no cause at all, and both parties be at liberty to marry again if they choose. There are, here and elsewhere, associations of women that contend that Christian marriage is a masculine institution for enslaving women, though it binds both man and woman in one and the same bond, and that seek to abolish the marriage bond altogether, make marriage provisional for so long a time as the mutual love of the parties may last, and dissoluble at the will or caprice of either party. No religious or legal sanction is needed in its formation or for its dissolution. Men and women should be under no restraint either before or after marriage, but should be free to couple and uncouple as inclination dictates, and leave the children, if any are suffered to be born, to the care of—we say not whom or what. Say we not, then, truly, that without the papacy we lose the church; without the church, we lose revealed religion; and without revealed religion, we lose not only the supernatural order, but the moral order, even natural right and justice, and go inevitably to the conclusions reached by the free-thinkers in Rome? One of the greatest logicians of modern times, the late M. Proudhon, has said: "One who admits the existence even of God is

logically bound to admit the whole Catholic Church, its pope, its bishops and priests, its dogmas, and its entire cultus; and we must get rid of God before we can get rid of despotism and assert liberty."

Let our American sympathizers with Victor Emanuel and the unity of Italy look at modern society as it is, and they can hardly fail to see that every thing is unsettled; unmoored, and floating; that men's minds are everywhere shaken, agitated by doubt and uncertainty; that no principle, no institution, is too venerable or too sacred to be attacked, no truth is too well established to be questioned, and no government or authority too legitimate or too beneficent to be conspired against. Order there is none, liberty there is none; it is sought, but not yet obtained. Everywhere revolution, disorder—disorder in the state, disorder in society, disorder in the family, disorder in the individual, body and soul, thoughts and affections; and just in proportion as the papacy is rejected or its influence ceases to be felt, the world intellectually and morally, individually and socially, lapses into chaos.

We describe tendencies, and readily admit that the whole non-Catholic world has not as yet followed out these tendencies to their last term; in most Protestant sects there are undoubtedly those who assert and honestly defend revealed religion, and to some extent Christian doctrines and morals; but, from their Catholic reminiscences and from the reflected influence of the papacy still in the world by their side declaring the truth, the right, the just, for individuals and nations, and denouncing whatever is opposed to them, not from Protestant principles or by virtue of their Protestant tendencies; and just in proportion as the external influence of the papacy has declined and men believed it becoming old and decrepit, has the Protestant world been more true to its innate tendencies, developed more logically its principles, cast off more entirely all dogmatic faith, resolved religion into a sentiment or emotion, and rushed into rationalism, free religion, and the total rejection of Christian faith or Christian morals, and justified its dereliction from God on principle and at the command of what it calls science—as if without God there could be any science, or anybody to cultivate it. The Protestant world has no principle of its own that opposes this result, or that when logically carried out does not lead surely and inevitably to it. The principles held by Protestants that oppose it, and retain many of them

from actually reaching it, are borrowed from the papacy, and if the papacy should fall they would fall with it.

Now we ask, and we ask in all seriousness, the learned jurists, the distinguished statesmen, the able editors, the eminent Protestant divines, poets, and philosophers, who took part in or approved the great sympathy meeting, where but in the papacy are we to look for the nucleus or the principle of European reorganization, for the spirit that will move over the weltering chaos and bid light spring from the darkness, and order from the confusion? We know they look anywhere but to the papacy; to the Parisian commune, to Kaiser William and Prince Bismarck, to Victor Emanuel, to Mazzini, and to Garibaldi—that is, to the total abolition of the papacy and the Catholic Church. But in this are they not like the physician who prescribes, as a cure to the man already drunk, drinking more and more deeply? Are they not like those infatuated Jews—we are writing on Good Friday—who demanded of Pilate the release, not of Jesus in whom no fault was found, but of Barabbas, who was a robber? Can Barabbas help them? Will he help reëstablish the reign of law, and teach men to respect the rights of property, the rights of sovereigns, and the duties of subjects?

We say not that the pope can reorganize Europe, for we know not the secret designs of Providence. Nations that have once been enlightened and tasted the good word of God, and have fallen away, lapsed into infidelity, and made a mock of Christ crucified, cannot easily, if at all, be renewed unto repentance and recover the faith they have knowingly and wilfully cast from them. There is not another Christ to be crucified for them. We have no assurance that these apostate European nations are ever to be reorganized; to be saved from the chaos in which they are now weltering; but if they are, we know this, that it can be only by the power and grace of God, communicated to them through the papacy. There is no other source of help. Kings and kaisers cannot do it, for it is all they can do to keep their own heads on their shoulders; the mob cannot do it, for it can only make "confusion worse confounded;" the popularly constituted state, like our own republic, cannot do it, for a popular state, a state that rests on the popular will, can only follow popular opinions, and reflect the ignorance, the passions, the fickleness, the selfishness, and the baseness of the people; science and philosophy cannot

do it, for they are themselves disorganized, in a chaotic state, uncertain whether man differs from the brute, whether he has a soul, or is only a congeries of matter, and whether he is or is not developed from the monkey or the tadpole; atheism cannot do it, for it has no positive principle, is the negation of all principle, and effective only for destruction; Protestantism cannot do it, for it is itself chaos, the original source of the evil, and contains as its own no principle or organite from which a new organization can be developed. We repeat, then, if there is any hope, it is in the papacy, which rests on a basis outside of the world, and speaks with divine authority; and the first step to reorganization must be the reëstablishment of the Holy Father in the full possession of his rights. Whether there is faith enough left on earth to demand and effect his restoration, remains to be seen.

Certain it is, let men say what they will, the pope is the only sovereign power on earth at this moment that stands as the defender of the rights of independent governments, of international law, the equality of sovereign states without regard to size, race, language, or geographical position—the sole champion of those great, eternal, and immutable principles of justice on which depend alike public liberty and individual freedom, the sanctity and inviolability of the family, the peace and order and the very existence of society. If the kings and rulers of this world are with him, or dare utter a feeble whisper to encourage and sustain him, the people are opposed, or cold or indifferent, and pass him by, wagging their heads, saying in a mocking tone, "He trusted in Heaven, and let Heaven save him."

It were little short of profanity to indicate the contrast between his sublime attitude and the abject and servile attitude of these distinguished countrymen of ours. They but prove themselves slaves to the spirit of the age, and only reflect popular ignorance and passion, and follow the multitude to worship at the shrine of Success, and to trample on the wronged and outraged. He dares arraign the fierce and satanic spirit of the age, to face the enraged multitude, to defy popular opinion or popular passion, to proclaim the truth it condemns, to defend the right it tramples under foot, and uphold the scorned and rejected rights of God, and the inviolability of conscience. It were an insult to truth and justice, to moral greatness and nobility, to dwell on the contrast. His attitude is that of his Master when he

trod the wine-press alone, and of the people none were with him. It is grand, it is sublime, beyond the power of mortal man, unless assisted with strength from above. No man, it seems to us, can contemplate his attitude, firm and inflexible, calm and serene, without being filled, if he have any nobility or generosity of soul, or any sense of moral heroism or true manliness in him, with admiration and awe, or feeling that his very attitude proves that he is in the right, and that God is with him. Let our American sympathizers with his traducers and persecutors behold him whom they calumniate, and, if they are men, blush and hang their heads. Shame and confusion should cover their faces!

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# RECENT EVENTS IN EUROPE.

[From the Catholic World for November, 1866.]

When it is said that the church is independent of time and its events, and can subsist and operate under all forms of government, and in all stages of civilization, it is not meant that she is indifferent to the revolutions of states and empires, or cares not how the state is constituted, or the government administered. Subsisting and operating in society, though not holding from it, she cannot be indifferent to its constitution, either for her sake or its own. It may be constituted more or less in accordance with eternal justice, or absolute and unchanging right, and therefore more or less favorably to her catholic mission, which is to introduce and sustain the reign of truth and right in the state and the administration as well as in the individual reason and will.

Far less does the independence of the church, or her non-dependence on the political order and its variations, imply that politics, as is but too often assumed, are independent of the moral law of God, and therefore that statesmen, civil magistrates, and rulers are under no obligation to consult in their acts what is right, just, or conformable to the law of the Lord, but only what seems to them expedient, or for their own interest. All sound politics are based on principles derived from theology, the great catholic or universal and invariable principles which govern man's relation to

his Maker and to his neighbor, and of which, while the state is indeed in the temporal order the administrator, the church is the divinely instituted guardian and teacher. No Christian, no man who believes in God, can assert political independence of the divine or spiritual order, for that would be simply political atheism; and if men sometimes do assert it without meaning to deny the existence and authority of God in the spiritual order, it is because men can be and sometimes are illogical, and inconsistent with themselves. Kings, kaisers, magistrates, are as much bound to obey God, to be just, to do right, as are private individuals, and in their official no less than in their private acts.

The first question to be asked in relation to any political measure is, Is it morally right? The second, Are the means chosen for carrying it out just? If not, it must not be adopted. But, and this is important, it is the prerogative of God to overrule the evil men do, and to make it result in good. "Ye meant it for evil, but God meant it for good." Hence when things are done and cannot be recalled, though not before, we may lawfully accept them, and labor to turn them to the best possible account, without acquitting or approving them, or the motives and conduct of the men who have been in the hands of Providence the instruments of doing them. Hence there are two points of view from which political events may be considered: the moral—the motives and conduct of those who have brought them about; and the political—or the bearing of the events themselves, regarded as facts accomplished and irrevocable, on the future welfare of society.

If we judge the recent territorial changes in Italy and Germany from the moral point of view, we cannot acquit them. The means by which the unity of Italy has been effected under the house of Savoy, and those by which that of Germany has been placed in the way of being effected under the house of Hohenzollern, it seems to me are wholly indefensible. The war of France and Sardinia against Austria in 1859, the annexation to Sardinia of the duchies, and the Æmilian provinces subject to the Holy See, the absorption by force of arms of the kingdom of the Two Sicilies, and the still more recent war of Italy and Prussia against the same power, resulting in the mutilation and humiliation of the Austrian empire, and possibly in depriving the pope of the remainder of his domain, are, I must hold, in every sense unjustifiable. They have been done in

violation of international law, public right, and are an outrage upon every man's innate sense of justice, excusable only on that most detestable of all maxims—the end sanctifies the means.

But regarded from the political point of view, as facts accomplished and irrevocable, perhaps they are not indefensible, nay, not unlikely under divine Providence to prove of lasting benefit to European society. I cannot defend the *coup d'état* of Napoleon, December 2, 1851, but I believe that the elevation of Louis Napoleon to the French throne has turned out for the benefit of France and of Europe. I condemn the means adopted to effect both Italian and German unity, but I am not prepared to say that each, in view of the undeniable tendency of modern politics, was not in itself desirable, and demanded by the solid and permanent interests of European society. Taken as facts accomplished, as points of departure for the future, they may have, perhaps already have had, an important bearing in putting an end to the uneasiness under which all European society has labored since the treaties of Vienna in 1815, and the socialistic and revolutionary movements which have, ever since the attempted reconstruction of Europe after the fall of Napoleon, kept it in continual turmoil, and rendered all government except by sheer force impracticable.

The tendency of European society for four or five centuries has been, on the one hand, toward civil and political equality, and on the other, toward Roman imperialism. European society has revolted against mediæval feudalism, alike against the feudal aristocracy and the feudal monarchy, and sought to revive the political system of imperial Rome, to place all citizens on the footing of an equality before the law, with exclusive privileges for none, and to base monarchy on the sovereign will of the nation. It would be incorrect to say, as many both at home and abroad have said, that European society has been or is tending to pure and simple democracy, for such has not been, and is not by any means the fact; but it has been and is tending to the abolition of all political distinctions and privileges founded on birth or property, and to render all persons without reference to caste or class eligible to all the offices of state, and to make all offices charges or trusts, instead of private property or estates. Under feudalism all the great offices of the state and many of the charges at court were hereditary, and could be claimed, held, and exercised as rights, unless forfeited by

treason or misprision of treason against the liege lord. It was so in France down to the revolution of 1789, and is still so in England in relation to several charges at court, and to the house of peers. The feudal crown is an estate, and transmissible in principle, and usually in fact, as any other estate.

Since the fifteenth century this feudal system has been attacked, throughout the greater part of Europe, with more or less success. It received heavy blows from Louis XI. in France, Ferdinand and Isabella in Spain, Henry VII. in England, and Maximilian I. in Germany. The tendency in this direction was resisted by the Protestant princes in Germany, leagued against the emperor, by the Huguenot nobles and the Fronde in France, and by the whig nobility in England, because while it strengthened the people as against the crown, it equally strengthened the crown against the nobility. The British reformers to-day, under the lead of John Bright, are following out this European tendency, and if successful, will abolish the house of peers, establish civil and political equality, but at the same time will increase the power of the crown, and establish Roman imperialism, which the Stuarts failed to do, because they sought to retain and strengthen the feudal monarchy while they crushed the feudal aristocracy.

But for the king or emperor to represent the nation and govern by its sovereign authority, it is necessary that the nation should become a state, or body politic, which it was not under feudalism. Europe under feudalism was divided among independent and subordinate chiefs, but not into sovereign independent nations. There were estates but no states, and the same proprietor might hold, and often did hold, estates in different nations, and in nations even remote from one another, and neither power nor obedience depended on national boundaries or national territory. There was loyalty to the chief, but none to the nation, or to the king or emperor as representing the national majesty or sovereignty. Hence the tendency to Roman imperialism became also a tendency to nationality. Both king and people conspired together to bring into national unity, and under the imperial authority of the crown, all the fiefs, whoever the suzerain or liege lord, and all the small principalities that by territorial position, tradition, language, the common origin or institutions of the inhabitants, belonged really to one and the same nation.

The first of the continental powers to effect this national

unity was France, consisting of the former Gallic provinces of the Roman empire, except a portion of the Gallia Germana now held by Belgium, Holland, and the Germanic governments on the left bank of the Rhine. The natural boundaries of France are those of the ancient Keltica of the Greeks, extending from the Alps to the Atlantic Ocean, and from the Mediterranean sea to the English Channel and the Rhine. France has not yet recovered and united the whole of her national territory, and probably will never be perfectly contented till she has done it. But after centuries of struggle, from Philip Augustus to Louis XIV., she effected internally national unity which gave her immense advantages over Italy and Germany, which remained divided, and which at times has given her even the hegemony of Europe.

The defeat of the first Napoleon, the restoration of the Bourbons, and the treaties of Vienna in 1815, arrested and were designed to arrest, this tendency of modern European society under all its aspects, and hence satisfied nobody. They prevented the free development and play of the tendency to national unity and independence, reëstablished aristocracy, and restrained the tendency to equality, and reasserted monarchy as an estate held by the grace of God and inviolable and indefeasible, instead of the representative monarchy, which holds from the nation and is responsible to it. Those treaties grouped people together without any regard to their territorial relations, natural affinities, traditions, or interests, without the slightest reference to the welfare of the different populations, and with sole reference to the interests of sovereigns, and the need felt of restricting or guarding against the power of France. A blinder, a less philosophical, or a more ignorant set of statesmen than those who framed these treaties, it is difficult to conceive. The poor men took no note of the changes which had been produced during four or five hundred years of social elaboration, and supposed that they were still in full mediæval feudalism, when people and territory could be transferred from one suzerain or one liege lord to another, without offending any political principle or any sentiment of nationality. Of all legislators in the world, reactionists suddenly victorious, and not yet wholly recovered from their fright, are the worst, for they act from passion, not reason or judgment.

From the moment these treaties were published a social

and political agitation began in nearly all the states of Europe. Conspiracies were everywhere, and the revolutionary spirit threatened every state and empire, and no government could stand save as upheld by armed force. Bold attempts at revolution were early made in Naples and Spain, which were defeated only by foreign intervention. Hardly a state was strong enough in the affections of its people to maintain order without the repressive weight of the Holy Alliance, invented by Madame Krudener, and effected by the Emperor Alexander and Prince Metternich. Austria dominated in the Italian peninsula, France in the Spanish, and Russia in Poland and Germany; Great Britain used all her power and influence to prevent the emancipation of the Christian populations of the East, and to uphold the tottering empire of the Turks. The Holy Father was at once protected and oppressed by the allied powers, especially by Austria; the people everywhere became alienated from both church and state, and serious-minded men, not easily alarmed, trembled with fear that European society might be on the eve of a return to barbarism and oriental despotism.

Matters grew worse and worse till there came the explosions of 1830, driving out of France the elder branch of the Bourbons, detaching Belgium from Holland, and causing the final extinction of the old and once powerful kingdom of Poland, followed by revolutions more or less successful in Spain and Portugal. Force soon triumphed for the moment, but still Europe, to use the figures so hackneyed at the time, was a smouldering volcano, till the fearful eruptions of 1848 struck well-nigh aghast the whole civilized world, and conservatives thought that the day for social order and regular authority had passed away, never to return. Anarchy seemed fixed in France, the imperial family of Austria fled to Innspruck, and the Hungarians in revolt, forming a league with the rebellious citizens of Vienna and the Italian revolution, brought the empire almost to its last gasp; the king of Prussia was imprisoned in his palace by the mob, and nearly every petty German prince was obliged to compromise with the revolutionists. All Italy was in commotion; the Holy Father was forced to seek refuge at Gaeta, and the infamous Mazzinian republic, with the filibuster Garibaldi as its general and hero, was installed in the Eternal City. Such had been the result of the repressive policy of the Holy Alliance, when Louis Napoleon was elected president of the French republic.

It is true, in 1849 the revolution was suppressed, and power reinstated in its rights in Rome, Naples, Tuscany, the Austrian dominions, Prussia, and the several German states; but everybody felt that it was only for a moment, for none of the causes of uneasiness or dissatisfaction were removed. The whole of Europe was covered over with secret societies, working in the dark, beyond the reach of the most powerful and sharp-sighted governments, and there was danger every day of a new outbreak, perhaps still more violent, and equally impotent to settle European society on a solid and permanent foundation, because the revolution was, save on its destructive side, as little in accord with its tendencies and aspirations as the Holy Alliance itself.

The cause of all this uneasiness, of this universal agitation, was not in the tyranny, despotism, or oppression of the governments, or in their disregard of the welfare of the people or hostility to them; for never in the whole history of Europe were the governments of France, Italy, Germany, and Austria less despotic, less arbitrary, less respectful of the rights of person and property, less oppressive, indeed more intelligent, or more disposed to consult the welfare of the people—the French, Prussian, and Austrian system of universal popular education proves it—than during the period from 1815 to 1848; and never in so brief a period had so much been done for the relief and elevation of the poorer and more numerous classes. The only acts of government that were or could be complained of were acts of repression, preventive or punitive, rendered necessary by the chronic conspiracy, and perfectly justifiable, if the government would protect itself, or preserve its own existence, and which, in fact, were not more arbitrary or oppressive than the acts performed in this country during the late rebellion, by both the general government and the confederate government, or than those practised for centuries by the British government in Ireland. Nor was it owing entirely or chiefly to the native perversity of the human heart, to the impatience of restraint and insubordination of the people, who were said to demand unbounded license, and determined to submit to no regular authority. Individuals may love license and hate authority, but the people love order, are naturally disposed to obedience, and are usually far more ready to submit to even grievous wrongs than to make an effort to right them.

The cause in France was not that the Bourbons of either

branch were bad or unwise rulers, but that they retained too many feudal traditions, claimed the throne as a personal estate, and, moreover, were forced upon the nation by foreign bayonets, not restored by the free, independent will of the nation itself. Their government, however able, enlightened, and even advantageous to France, was not national; and while submitting to it, the new France that had grown up since 1789 could not feel herself an independent nation. It is probable that there is less freedom for Frenchmen in thought and speech under the present régime than there was under the restoration or even the king of the Barricades and his parliament; but it is national, accepted by the free will of the nation, and, moreover, obliterates all traces of the old feudal distinctions and privileges of caste or class, and establishes, under the emperor, democratic equality. Individuals may be disaffected, some regretting lost privileges and distinctions, and others wishing the democracy without the emperor; but upon the whole the great body of the people are contented with it, and any attempt at a new revolution would prove a miserable failure. The secret societies may still exist, but they are not sustained by popular sympathy, and are now comparatively powerless. The socialistic theories and movements, Saint-Simonism, Fourierism, Cabetism, and the like, fall into disrepute, not because suppressed by the police, but because there is no longer that general dissatisfaction with the social order that exists which originated them, and because the empire is in harmony with the tendencies of modern European society.

In Italy the cause was neither hatred of authority nor hostility to the church or her supreme pontiff, but the craving of the people, or the influential and controlling part of them, for national unity and independence. In feudal times, when France was parcelled out among feudatories, many of whom were more powerful than the king, their nominal suzerain; when Spain was held in great part by the Moors, and the rest of her territory was divided into three or four mutually independent kingdoms; when England was subject to the great vassals of the crown, rather than to the crown itself; when Germany was divided into some three hundred principalities and free cities, loosely united only under an elective emperor, with little effective power, and often a cause of division rather than a bond of union between them; and when the pope, the most Italian of all the Italian sovereigns, was suzerain of a large part of Italy, and of nearly

all Europe, except France, Germany, and the eastern empire, the division of the peninsula into some half a dozen or more mutually independent republics, principalities, or kingdoms, did not deprive Italy of the rank of a great power in Europe, or prevent her from exercising often even a controlling influence in European politics, and therefore was not felt to be an evil. But when France, Spain, Austria, and Great Britain became great centralized states, and when in Switzerland, Holland, the British Isles, Scandinavia, and North Germany the rise of Protestantism had weakened the political influence of the pope, these divisions reduced Italy, which had been the foster-mother of modern civilization, and the leader of the modern nations in the arts of war and peace, in commerce and industry, in national and international law, in literature, science, architecture, music, painting, and sculpture, to a mere geographical expression, or to complete political nullity, and could not but offend the just pride of the nation. The treaties of 1815 had, besides, given over the fairest portion of the territory of the peninsula to Austria, and enabled her, by her weight as a great power, to dominate over the rest. The grand duke of Tuscany was an Austrian archduke, the king of the Two Sicilies, and even the pope as temporal prince, were little less, in fact, than vassals of the house of Habsburg-Lorraine.

Italy felt that she was not herself, and that she could be herself and belong to herself, own herself, as our slaves used to say before they were emancipated, only by expelling Austria and her agents from Italian territory, and uniting the whole peninsula in a single state, unitarian or federative, under a single supreme national government. For this Italian patriotism everywhere sighed, agitated, conspired, rebelled, struggled, was arrested, shot, hung, imprisoned, exiled, and filled the world with its complaints, the story of its wrongs and sufferings. It was not that Italy was badly governed, but that she was not governed by herself, was governed by foreigners, or at least by governors who would not, or could not, secure her national unity and independence, without which she could not become the great European power that she aspired to be, and felt herself capable of being. The Fenians do not agitate and arm against England so much because her government in Ireland is now—whatever it may have been formerly—tyrannical and oppressive, as because it is not national, is not Irish, and offends the Irish sense of nationality, far stronger now than in the time

of Strongbow or that of the confederate chieftains. Through the armed intervention of Napoleon III. in 1859, and the recent alliance with Prussia against Austria, Italy has now got what she agitated for, national unity and independence, though at the expense of great injustice to the dispossessed sovereigns, and is free to become a great European power, if she has it in her, and her chronic conspiracy is ended. She has obtained all that she was conspiring for, and is satisfied: she has gained possession of herself, and is free herself to be all that she is capable of being.

The Germans, also, were uneasy, discontented, and conspiring for the same reason. The Bund was a mockery, formed in the interest of the sovereigns, without regard to the people or the national sentiment, and in practice has tended far more to divide and weaken, than to unite and strengthen the German nation, both on the side of France and on that of Russia. Germany, in consequence of the changes effected in other nations, was, like Italy, reduced to a geographical expression. Austria in the South was a great power, Prussia counted for something in the North, but Germany was a political nullity. The Germans aspired to national unity, and attempted to obtain it in 1848 by the reconstruction, with many wise modifications, of the old Germanic empire, suppressed by Napoleon I. in 1806, but were defeated by the mutual jealousies of Prussia and Austria, the withdrawal of the Austrian delegates from the diet, and the refusal of the king of Prussia to accept the imperial crown offered him by the diet, after the withdrawal of Austria. What failed to be legally and peaceably effected in 1848 and 1849, has been virtually effected by Prussia in this year of grace, 1866, after a fortnight's sharp and fierce war, not because of her greatly overrated needle-gun, but because Prussia is more thoroughly German than Austria, and better represents the national sentiment.

The success of Prussia must be regarded, I think, not only as breaking up the old confederation, and expelling Austria from Germany, but as really effecting German unity, or the union of all Germany in a single state. The states North of the Main, not as yet formally annexed to Prussia, and those South of that line, as yet free to form a southern confederation, will soon, perhaps, with the seven or eight millions of Germans still under Austrian rule, in all likelihood be absorbed by her, and formed into a single unitary state with her, and transform her from Prussia into Ger-

many. It is most likely only a question of time, as it is only a logical sequence of what has already been effected. Austria ceases to be a German power, and must seek indemnification by developing, as Hungary rather than as Austria, eastward, and gradually absorbing Roumania, Herzegovina, Bosnia, Servia, and Bulgaria, and placing herself as an impassable barrier to the advance of Russia southward in Europe. This she may do, if wise enough to give up Germany, and to avail herself of the vast resources she still possesses; for in this she would probably be aided by Great Britain, France, and Italy—all deeply interested in preventing Russia from planting herself in Constantinople, and gaining the empire of the world. Turkey must fall, must die, and European equilibrium requires a new and powerful eastern state, if the whole of Europe is not to become Cossack.

The independence and unity of Italy, and the union of Germany in a single state, had become political necessities, and both must be effected as the means of putting an end to what European writers call "the Revolution," and giving internal peace to European society. No doubt they have not been thus far effected without great violence to vested rights; but necessity knows no law, or is itself law, and nations never have been and never can be arrested in their purposes by vested rights, however sacred religion and morality teach us to hold them. National and popular passions can be controlled by no considerations of right or wrong. They sweep onward and away whatever would stay their progress. If the possessors of vested rights opposed to national union, independence, or development, consent to part with them at a just ransom, the nation is ready to indemnify them liberally; but if they will not consent, it will take them all the same, and without scruple.

I say not that this is right; I pretend not to justify it; I only state what all experience proves that nations do and will continue to do in spite of religion and morality. Ahab was willing to pay a round price for Naboth's vineyard, but when Naboth refused to sell it at any price, Ahab took it for nothing. But these political changes, regarded as accomplished and irrevocable facts, and setting aside the means adopted to effect them, and the vested rights violated in obtaining them, are not morally wrong, and are in no sense threatening to the future peace and progress of European society, but seem to be the only practicable means that were left of preventing it from lapsing into certain barba-

rism. They seem to me to have been needed to render the European governments henceforth able to sustain themselves by the affections and good sense of the people, without being obliged to keep themselves armed to the teeth against them. International wars will, no doubt, continue as long as the world stands, but wars of the people against authority, or of subjects against their rulers, may now cease for a long time to come, at least in the greater part of Europe. The feudal system is everywhere either swept away, or so weakened as to be no longer able to make a serious struggle for existence; and save Ireland, Poland, and the Christian populations of the East, the European nations are formed, and are in possession of their national unity and independence. The people have reached what for ages they have been tending to, and are in possession of what, in substance, they have so long been agitating for. The new political order is fairly inaugurated, and the people have obtained their legitimate satisfaction. Whether they will be wiser or better, happier or more really prosperous, under the new order than they were under the old, we must leave to time to prove. Old men, like the writer of this, who have lived too long and seen too much to regard every change as a progress, may be permitted to retain their doubts. But changes which in themselves are not for the better, are relatively so when rendered necessary by other and previous changes.

The English and American press very generally assert that the emperor of the French is much vexed at the turn things have taken in Germany, that he is disappointed in his expectations, and defeated in his European policy. I do not think so. The French policy since the time of Francis I. has been, indeed, to prevent the concentration and growth of any great power on the frontiers of France; as the papal policy ever since the popes were temporal sovereigns, according to Tosti in his Life and Times of Boniface VIII., has been to prevent the establishment of any great power in the immediate neighborhood of Rome. That this French and this papal policy are defeated by the turn things have taken is no doubt true, but what evidence is there that this is a defeat of Napoleon's policy, or is any thing else than what he both expected and intended? When he entered on his Italian campaign against Austria in 1859, he showed clearly that he did not intend to sustain the papal policy, for his purpose was the unity no less than the independence of Italy. He showed, also, no less clearly, that while he retained the traditional French

policy of humbling the house of Habsburg, he did not intend in other respects to sustain that policy; for he must have foreseen, as the writer of this told him at the time, that the unity of Italy would involve as its logical and necessary sequence the unity of Germany. We can suppose him disappointed only by supposing he entertained a policy which he appears to have deliberately made up his mind to abandon, or not to adopt.

After the Italian campaign, and perhaps before, the unity of Germany was a foregone conclusion, and if effected it must be either under Austria or under Prussia. Napoleon had only to choose which it should be. And it was manifestly for the interest of France that it should be under Prussia, an almost exclusively German power, rather than under Austria, whose non-Germanic population was three times greater than her Germanic population. If the unity of Germany had been effected under Austria with her non-Germanic provinces, Germany would have constituted in central Europe a power of nearly seventy millions of people, absolutely incompatible with the European equilibrium; but if effected under Prussia, it would constitute a state of only about forty millions, not a power so large as to be dangerous to France or to the peace of Europe. France has nothing to fear from a Prussian Germany, for she is amply able to cope with her, and the first war between the two powers would restore to France her natural boundaries, by giving her all the territory on the left bank of the Rhine, and thus making her commensurate with the ancient Keltica.

France is too strong in her unity, compactness, and extent, as well as in the high spirit and military genius of her people, to think of precautions against Germany. The power for her to guard against is Russia, embracing a rapidly increasing population of upward of seventy millions, and possessing one seventh of the territory of the globe. She has no other power to fear, since Austria is separated from Germany. Prussia, capable of becoming a great maritime power, and embracing all Germany, not only rescues the smaller German states from Russian power and intrigue, but becomes an efficient ally of France, in the West, against Russia, and far more efficient and trustworthy an ally than Great Britain, because a continental power, and more exposed to danger from the common enemy. While Prussia becomes a powerful ally in the West, Austria, by being detached from Germany, and too weak to stand without alliances,

becomes a French ally in the East; and the more ready to be so, because the majority of her future population is and must be of the Slavic race.

Napoleon's policy, it seems to me, has been, first, to drive Austria out of Italy and detach her from Germany, for the security of France; and then to organize pan-Germanism against pan-Slavism in the West, and an Austrian, or rather, Slavic or Hungarian empire, embracing the Magyars and Roumans, against pan-Slavism in the East. With these two great powers, having as against Russia a common interest with France, the emperor of the French, the ally and protector of the Latin nations, will be able to settle the terrible eastern question without suffering Russia to receive an undue accession of territory or power, and also without the scandal of sustaining, in order to please Great Britain and save her Indian possessions, the rotten empire of the Turks, and preventing the Christian nations it holds, through the aid of the western Christian powers, in subjection, from working out their freedom and independence, rising to national dignity and influence.

Such, briefly stated, has been, I think, substantially the policy of Napoleon, since he became emperor of the French; and the recent events in Italy and Germany so strikingly accord with it, that one cannot help believing that they have been dictated by it. It seems designed to give measurable satisfaction to the principal nationalities of Europe, as it secures undisputed preponderance to no one, and humiliates no one overmuch. It may, therefore, be said to be a policy of peace. It is a policy, if carried out in all its parts, that would enable France, Prussia, Italy, Austria, to isolate Russia, and at need Great Britain, from Europe; but it robs neither of any of its territory or inherent strength, and is hostile to neither, unless one or the other would encroach on the rights of others.

Will this policy be carried out and consolidated? I know not. It is substantially in accordance with the tendencies of modern European society, the most difficult parts of it have already been effected, and we have seen no movement on the part of either Russia or Great Britain to assist Austria to prevent it. Napoleon had succeeded in isolating Austria from Europe, and almost from Germany, before he commenced his Italian campaign in 1859. Should Napoleon die suddenly, should Russia or Great Britain interpose to prevent Austria from expanding eastward before she has recov-

ered from her losses in being expelled from Italy and Germany, and should France, Germany, and Italy refuse to act as her allies, or should she herself look to the recovery of what she has lost, rather than to the development of what she retains or has in prospect, the policy might fail; but these are all improbable contingencies, except the first; yet even Napoleon's death would not seriously affect the unity and independence of Italy, or the unity of Germany, as much as the South Germans dislike the Prussians. This age worships strength and success.

The most doubtful part of this Napoleonic policy is the part assigned to Austria in the future; and the part the most offensive to the Catholic heart is that which strips the Holy Father of his temporal dominions, annexes them to the kingdom of Italy, and leaves him to the tender mercy of his despoilers. The Holy Father, sustained by the general voice of the episcopacy, has said the maintenance of the temporal sovereignty is *necessary* to the interests of religion; but he said this when there was still hope that it might be retained, and he, of course, did not mean that it is *absolutely* necessary at all times and under all circumstances; because that would have made the principal depend on the accessory, and the spiritual on the temporal. Moreover, religion had existed and flourished several centuries before the popes were temporal sovereigns, and what has been may be again. Circumstances have changed since the Holy Father said this, and it is not certain that, as it is not a Catholic dogma, he would insist on it now.

Of course the change is to be deeply deplored, especially for those who have effected it; but is there any possibility, humanly speaking, of reëstablishing the Holy Father in his temporal rights? I confess I can see none. It is a great loss, but perhaps some arrangement may be entered into with the new Italian power, which, after all, will enable the Holy Father still to reside at Rome, and exercise independently his functions as the spiritual chief of Christendom. Italy has more need of the pope than the pope has of Italy, and Victor Emanuel, at worst, cannot be worse than were the pagan and Arian Cæsars. No Catholic can ever despair of the church. At present the temporal, to all human ken, seems to have triumphed over the spiritual and politics to have carried it over religion. Yet the triumph cannot be lasting, and in some way the victory won will prove to have been a defeat. God will never forsake his church, his beloved, his

bride, his beautiful one, and the Lord will not suffer Peter to sink when he walks upon the waters. Peter's bark may be violently tossed on the waves, but the very independence of the church prevents us from fearing that it will be submerged. In what way the future of the papacy will be provided for, it is not for us to determine or to suggest. We cheerfully confide in the wisdom of the Holy Father, assisted as he will be by the Holy Ghost.

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# THE RECENT EVENTS IN FRANCE.

[From the Catholic World for December, 1871.]

We have no occasion to dwell on the disastrous events of the war of the second French empire with Prussia, nor on the still more disastrous results of the feeble efforts of the improvised republic to drive back the German armies from French soil. They are too painful to be dwelt on, and are, probably, as well known to our readers as to ourselves. We may, however, remark that we regard it as a mistake to represent the war as unprovoked by Prussia. The party that declares the war is not always responsible for it. Prussia, by her duplicity, her aggressive spirit, and her menacing attitude to France, gave to the French government ample reason, according to what has long been the usage with European nations, for declaring war.

We have never been the partisans of Louis Napoleon; but it is only simple justice to say that by his concessions of January, 1870, he had ceased to be the absolute sovereign of France, and had become a constitutional monarch, like the queen of Great Britain and Ireland, and the declaration of war against Prussia in July of the same year was not his personal act, but the act of the liberal ministry and the French people, influenced, not unlikely, by the secret societies that had sworn the emperor's destruction. Perhaps, when the facts are better known, it will be clearly seen that the emperor had really no alternative but war with Prussia, or the loss of the French throne for himself and dynasty. Though unprepared, he chose the war, as offering at least a chance of success, and it is not improbable that the result

would have been less disastrous both for him and the nation if he had been loyally sustained by the French people, and had not had a more formidable enemy in his rear than in his front. The influences that compelled him to consent to the declaration of war were unfriendly to him, and both before and after the declaration were, not unlikely, indirectly controlled by that astute but unprincipled diplomatist, Bismarck, at present chancellor of the new German empire, and through whose adroitness Germany has been prussianized.

It now also appears that the disaster of Sedan was far less the fault of the emperor than of his marshals, who acted without his orders, and without concert with one another. If Marshal MacMahon had fallen back on the capital, as Trochu says he advised, instead of attempting to relieve Metz, and given the nation time to rally and concentrate its forces, it is probable the empire would have been saved, and the Prussians been ultimately defeated and driven beyond the Rhine. Even after the disaster of Sedan, the integrity of French territory might have been saved, and peace obtained on far less onerous terms than those which were finally imposed by the conqueror after the surrender of Paris, but for the Parisian mob of the 4th of September, which compelled the corps législatif to pronounce, illegally, of course, the escheat of the emperor and the empire, to proclaim the republic, and to suffer a so-called government of defence to be improvised. The disaster of Sedan was great, but it was a mere bagatelle in comparison with that of the revolution effected by the Parisian mob acting under the direction of the secret societies, whose destructive power and influence were so well and so truthfully set forth by Disraeli in his *Lothair*, one of the most remarkable books recently published, and which shows that its author fully understands the great questions, movements, and tendencies of modern society. That revolution was the real disaster, and Paris, not Prussia or Germany, has subjugated France. The French, excepting a few lawyers, journalists, literary dreamers, and the workingmen of the cities and towns, who demanded *la république démocratique et sociale*, had no wish for a republic, and were, and are, decidedly anti-republican at heart. The men composing the so-called government of defence were, for the most part, men who had not, and could not inspire, the confidence of the nation, were men without faith or solid principle, theorists and declaimers, utterly destitute both of civil and military capacity, distrusted, if not detested,

by all Frenchmen who retained any sense of religion or any love of country surpassing their love for their own theories. France, perhaps, could have been saved by a loyal support of the empire, and hearty coöperation with the imperial government under the empress-regent, even after the disaster of Sedan, but not by overthrowing it, and plunging the nation into the revolutionary abyss. The government of defence only hastened the catastrophe by defaming the imperial government, calumniating it, and publishing every sort of falsehood against it that malice could invent or render plausible, as the event has proved, and all the world is beginning to see and admit.

But for the socialistic revolution, it is now known that, even after the surrender of the emperor, the imperial government could have obtained peace without any mutilation of French territory, and on terms, if hard, at least such as could be borne. France would have suffered the mortification of defeat, and would have been compelled to indemnify, as a matter of course, Prussia for the expenses of the war; but she would have suffered no loss of territory, and would have remained, defeated indeed, but not conquered. Europe would have mediated effectually in her favor, for the balance of power requires her preservation; but the European nations could not intervene in favor of a revolution which was a menace to each one of themselves, and Prussia would not and could not treat with a revolutionary committee that had no legal existence and no power to bind the nation.

The insurrection of Paris on the 18th of March, 1871, against the Versailles government, was only the logical continuation of that of the 4th of September against the empire. The same party that made the one made the other. An omnibus would hold nearly all the republicans in France that differ essentially or in principle from the Paris commune, and its suppression after a fearful struggle is the condemnation of the revolution that overthrew the empire, and also of the government that suppressed it. Its suppression, so absolutely necessary if France or French society is to subsist, was simply the revolution condemning and killing itself. No government can be founded on the revolutionary principle, for that principle is destructive and can found nothing; and hence it is that every revolution is compelled to devour itself; and to be able to reconstruct and maintain political or social order, it must deny its own principle, and as far as possible undo its own work. Yet the commune is

only "scotched, not killed," and will rear its head again in the first moment a new political crisis comes. A republic of law and order, respecting and maintaining the rights of person and property, such as we regard our own, is at present impracticable in every nation in Europe, with the single exception of Switzerland, for it has no basis in the interior life, the antecedents, the manners, customs, and usages of the people. It was by the aid of non-republican France that the Parisian insurgents were put down. There is in Europe no political *via media* practicable as yet between the absolutism of Cæsar and the absolutism of the people. Either Cæsar is in the place of God, or the people; and the only religion this nineteenth century tolerates is either monarchical absolutism or popular absolutism; and European society, as we see, only swings like a pendulum from the one to the other, and finds no liberty or chance for free development under either. Its real progress is suspended.

At this moment, France lies prostrate with the iron heel of the conqueror on her neck, and that conqueror, Prussia, a power that never was known to have a noble or generous sentiment, and that has 1806 to avenge. Prussia has not yet relaxed her hold on her prostrate foe, and will not of her own accord, so long as a single sign of life remains. France has now no legal government, no political organization, and, what is the worst, recognizes no power competent to reorganize her society, and reconstitute the state, and has recognized none since the revolution of 1789. Since that world-wide event, she has had no government which she felt herself bound in conscience to obey, or towards which she had any genuine sentiment of loyalty. No government has been able to count on the national support if it became unfortunate, and ceased to gratify the national pride or vanity. The principles of 1789, avowedly accepted as the basis of his government by the emperor, are destructive of the very sentiment of loyalty, and deny the obligation in conscience of the people to obey authority any longer than it suits their convenience. If a plebiscitum or the popular vote could create a legal government, Louis Napoleon was and is still the legal sovereign of the French people, and, through them, of France. But the nation never had any sentiment of loyalty towards him, and abandons him as it did his greater uncle the moment he becomes unsuccessful. It never felt that it owed him allegiance, and how could it since he professed to hold from it? His government was

based on a plebiscitum, and could it bind the nation? It was created by the people, was their creature, and can the creator be loyal to or bound by his own creation? The nation can be bound only by a power above itself and be loyal only to an authority that comes from a source independent of the people.

Louis Napoleon held from 1789, and had the weakness to believe in plebiscitums. He seems never to have understood that universal suffrage can only create an agency, not a government. He was a disciple of the political philosophers of the eighteenth century, who erected revolution into a principle. These philosophers of the eighteenth century made no account of the continuity of the national life, of national habits, customs, and usages, and assumed that the convention might draw up an entirely new constitution according to an abstract and preconceived theory, without regard to the antecedents or past life of the nation, and without any support in the spiritual or supernatural order above the nation, get it adopted by a plurality of votes, and safely rely on *l'intérêt bien entendu*, or enlightened self-interest, to preserve it and secure its successful practical workings as the fundamental law of the nation. The whole history of France for nearly a century, without any reference to our own experience, refutes the absurd theory of the philosophers, or sophists, rather. A French gentleman, still living, told us, before the recent collapse of the second French empire, that he had witnessed seventeen revolutions or changes of government in his native country, and he is in a fair way of living to see the number increased at least to a score. No government created by and held from the people can govern the people; and, if reason alone or the calculations of interest were sufficient to sustain a government, no government or political constitution would be necessary. Paper constitutions are worthless, save so far as they express the living constitution of the nation. "Constitutions," Count de Maistre has well said, "are generated, not made"; and the merit of the American constitution is in the fact that it was born with the American people, not made by them.

France was originally constituted by the king, the nobility, the church, with some feeble remains of the old Roman municipalities, subsequently revived and expanded into the *tiers état*. The balance of her original constitution had been disturbed, it is true; the church and the nobility had been greatly enfeebled by the inordinate growth of monarchy on

the one hand, and the expansion of the communal power on the other; but these four fundamental elements of her national constitution still subsisted in more or less force down to the revolution of 1789. That revolution swept away king, church, and nobility, and proclaimed the *tiers état* the nation, without any political organization or power to reconstitute legal or legitimate government. No nation is competent to constitute itself, for till constituted it is only a mass of individuals, incapable of any legal national act. Since then France has been trying in vain to make something out of nothing, and been continually alternating between the mob and despotism—despotism suppressing the mob, and the mob deposing despotism. She at this moment has no legal government, and the French people recognize no power able to reconstitute the state. Her old monarchical constitution, tempered by the church and her old nobility, and restrained by provincial customs, usages, privileges, and franchises, is swept away, and nothing remains of her political life that can serve as the germ or basis of reorganization, or the reëstablishment of authority, competent, legally or morally, to bind the nation, restore order and protect liberty.

Worse than all else is the fact that 1789 swept away the church as a power in the state, and left the state it wished to constitute without any moral support, or power not dependent on the nation to sustain it. It threw the management of public affairs into the hands of men and parties that had no faith in God, who hated or despised religion, and believed only in themselves and the perfectibility of the species. This was the greatest evil of all. A nation may be politically disorganized, and yet be able to recover and reëstablish a legal government, if it retains religion as an organized power, independent of the nation; for it then retains a power that has its source in the supernatural, above the people, and able to bind the national will in conscience, and give consistency and a divine sanction to the national ordinations. The first Napoleon had sense enough to see something of this, and to understand that he could not reorganize disorganized France without calling in religion to his aid; he therefore solicited a concordat from the Holy See, and reëstablished the church. But he had not sense enough to see and understand that even the church could not aid him if holding from himself, or if subjected in her administration to his own or the national will. He committed the usual mistake of secular sovereigns, that of insisting on

keeping the control of the ecclesiastical administration in their respective dominions each in his own hands, of using the church to control his subjects, but allowing her no authority over himself.

Nothing can exceed the shortsightedness of secular sovereigns in seeking to keep religion in their respective dominions subject to their will as an adjunct of the police, rather than an independent power holding from God, and alike supreme over sovereigns and subjects. The present hostility to the church, even in old Catholic nations, is in no small measure owing to the fact that the sovereigns have sought to use her to preach submission, resignation, and patience to their subjects, and to uphold the authority of the government, however forgetful of its duties, tyrannical, or oppressive. They have sought to make her their instrument in governing or, rather, misgoverning their subjects, without the liberty to exercise the power which, as the representative of the divine authority on earth, she holds from God, to remind them of their duty to govern their subjects wisely and justly, to rebuke and place them under interdict, and even to declare their power forfeited when they persistently violate the law of God and oppress the people. They thus render her odious to the lovers of freedom. Hence we see the revolution far more bitter against the church than against the sovereigns, who, having rendered her odious by denying her the freedom and independence which are her right, and without which she can render no service either to power or to liberty, have everywhere abandoned her to the tender mercies of her enemies, in the vain hope of conciliating the revolution and saving their own heads. They throw her now as a sop to Cerberus.

The power of religion to sustain authority against the insurrection and rebellion of subjects, and liberty against the tyranny of the prince, is in her being an organic power in the nation, but independent of the national will, holding from God, not from the nation or its sovereign, and free to declare and apply the divine law alike to prince and people. Nationalized, she has no support outside of the nation, no power not derived from it, and can give the nation only what it already has in itself. It must follow, not lead the nation, and share its fate, which it has no power to avert. What can the Russian church do to restrain the tyranny of the czar? Or the church of England to check the progress of the revolution now going on and threatening to sweep

away king, nobility, and the church first of all? What can it do before the democracy become omnipotent? Why is it that no gentile nation has ever shown any recuperative energy, but because gentilism, as the name implies, is nationalism, and the nation has in it only a national religion, and nothing outside, above, or independent of the national authority? The gentile religion, deprived of catholicity, had to follow the nation, and to share its corruption and its fate. When the nation fell, it fell with it; and the nation, when it fell, fell for ever, and disappeared from the list of nations. Protestantism in its essential principle is a revolt against catholicity, and the subjection of religion to the national will. It is essentially a revival of nationalism, or gentilism, and hence a Protestant nation has no recuperative energy, and, were it to fall, its fall would be like that of a gentile nation, a fall without the power to rise again. So it must be with every nation that has only a national or a nationalized religion.

Napoleon, who wished the church only as an adjunct of his own power, never understood any thing of all this. He saw that the church was more conservative than Protestantism, and in fact so by virtue of her catholicity, that she had a stronger hold on the French people, and could serve him better than any Protestant sect; but he did not see that the church, sought for a political end, is necessarily powerless even to that end, and that she serves a political end only when she is sought for her own sake, recognized and supported for a religious end, or as the free and independent kingdom of God on earth. Not understanding this, he refused her unrestrained liberty, and sought by his own legislation to subject her in his own dominions to his own will, and to compel her either to support his policy or to feel the full weight of his vengeance. She must support him, wear his livery, do his bidding, hold his enemies to be her enemies, or he would not tolerate her at all. She, as the church of God, could not accept this position and sink into a mere national church, however powerful the nation. She asserted her independence, and her independence alike of him and those he professed to govern. He commanded her to obey him: she refused. He quarrelled with her, dragged her supreme pontiff from his throne, despoiled him of his estates, imprisoned him, was excommunicated, became powerless before his enemies, was defeated, lost his throne, and was sent by his conquerors to fret his life away as a prisoner of Eng-

land on the barren isle of St. Helena, leaving French society hardly less disorganized than he found it.

The restoration which followed was a return toward legitimacy, and under it France actually recuperated with a rapidity which seems marvellous to unbelievers. But it humiliated the nation, because it was imposed on it by foreign bayonets, and its work of reparation and expiation necessarily made it unpopular with all who had profited by the plunder and confiscations of the revolution, or by the wars of the empire. The spirit of 1789 still possessed a large portion of the population. The Bourbons returned, also, with the old Gallican traditions of the relation of church and state, which had lost the monarchy, and prepared the people for the old revolution. They would have the church, indeed, but they would never recognize her rightful supremacy; and, though giving France really the best government she had had for a long time, they at length fell before the intrigues of a younger branch of the family, supported by the combined factions of the Bonapartists, republicans, and socialists.

The monarchy of July or the Barricades was, notwithstanding the pretences of the *juste milieu*, or doctrinaires, a purely revolutionary government, improvised in the interests of disorder, without a shadow of legality, and without any thing, in the nation or in religion, on which it could rest; and from the first it was spurned by the legitimists, the old national nobility, by the peasantry, the larger part of the republicans, and supported only by the *bourgeoisie*, or business classes, and the Bonapartists, the latter of whom hoped to make it a stepping-stone to the restoration of the Napoleonic empire. It had no hold on the nation, no power to reconstitute it on a solid and permanent basis; and so, as a new generation appeared on the stage, it fell without a struggle before the Parisian mob. It was indifferent rather than avowedly hostile to the church, but it gave free scope to the infidel press, warred against the Jesuits, and maintained the infidel university in the monopoly of education. It, however, indirectly served the cause of religion by the little court favor the bishops could obtain, and who, in consequence, retired, and looked after the interests of religion in their respective dioceses, so that when a Parisian mob overthrew the citizen-king in February, 1848, and proclaimed the republic, the church was really more influential in France than she had been since 1682. She had influence enough to dis-

place the party that made the revolution from the control of public affairs, to defeat and crush the reds and communists in the terrible days of June, 1848, to save French society from utter dissolution, and maintain order under a republic proclaimed by the friends of disorder. We are far from being convinced that, if the bishops and clergy had continued to show the energy in supporting the republic that they did in wresting it from the control of the infidels and destructives, they would not have been able to reconstitute French society on a Catholic and a republican basis, to the advantage alike of religion and society.

Certain it is, the church, though not officially supported by the republic, and with many and bitter enemies in France, was freer under it than she had been since the great western schism, and had a fair opportunity to prove to the world that she is wedded to no particular form of government or political organization, and can subsist as well, to say the least, in a republic as in a monarchy. We thought at the time, and we still think, though no enemy to monarchy and no blind defender of republicanism, that the French bishops and clergy committed a grave blunder in abandoning the republic and surrendering French society to the nephew of his uncle—a member of the Carbonari, a known conspirator against the pope in 1832, and a favorite with the red-republicans and socialists. It would be difficult to estimate the damage they did to France and to the cause of religion throughout the world. It will cost, perhaps, centuries of bitter struggle and suffering on the part of Catholics, to repair the sad effects of that blunder. But French Catholics had for ages been accustomed to rely on royal support, and they lacked the robust and vigorous habits under God of self-reliance. The bishops and clergy could easily have marched to a martyr's death, but they had with all their experience never learned the folly of putting their trust for the church in princes. They remembered the reign of terror; they remembered, also, the flesh-pots of Egypt, and shrank from the hunger, thirst, and fatigue of the desert.

The new emperor found the French people divided into three principal parties—the church or Catholic party, which included the Bourbonists and the better part of the Orleanists; the republican party, properly so-called; and the socialistic or extreme radical party, represented in the recent civil war by the communists of Paris and of all Europe. His policy on commencing his reign was avowedly to keep the

control of all these parties in his own hands, by leaving each party something to hope from his government, and allowing no one to gain the ascendency, and, as far as possible, engrossing the whole nation in the pursuit of material goods. He acknowledged the sovereignty of the nation, professed to hold from 1789, and favored universal suffrage, which was in accordance with the views of the republican party; he adopted measures to secure employment to the working-men of the cities and towns, among whom was the great body of the socialists, or communists, by his encouragement of expensive national and municipal works; and, to retain his hold on them and to protect himself from the assassins of the secret societies, he made his Italian campaign, drove the Austrians out of Italy, and prepared the way for Italian unification, and for despoiling the Holy Father of his temporal possessions and sovereignty; raised the salaries paid to clergy as servants of the state, and repaired churches and abbeys as national monuments at the national expense, to please and secure the church party. But he suppressed the freedom the church had enjoyed under the republic, maintained the "organic articles" of his uncle, and all the old Gallican edicts and legislation against the freedom and independence of the church in full force, trusting that she would see a compensation for her loss of liberty in the increased pomp and splendor of her worship or the gilded slavery to which he reduced her.

The recrudescence of infidelity, atheism, or materialism was a marked feature under the second empire, and the influence of religion daily and hourly declined; and all the wisdom and energy of the government seemed exerted to *despiritualize*, if we may be allowed the word, the French nation, to extinguish whatever remained of its old chivalric sentiments and its old love of glory, once so powerful in every French heart, and to render the nation intent only on things of the earth, earthy. His policy, being always that of half-measures, disguised as moderation, was not suited to make him true friends. His Italian campaign against Austria was pushed far enough to make Austrians his enemies, but not far enough to make friends of the Italians. His consent to the annexation to Sardinia of the Italian duchies, the Neapolitan kingdom, and the Æmilian provinces of the Holy See, was enough to alienate the friends of international law, and to offend all conservatives and Catholics who had any sense of right or religion; but

not enough, so long as he protected the Holy Father in the sovereignty of the city of Rome, to gain him the good-will of the infidels, communists, secret societies, or of the partisans of Italian unity. His policy of never pushing matters to extremes, and of winning and controlling all parties, by leaving each something to hope from him, but never what any one specially desired, necessarily resulted, as might have been foreseen, in offending all parties, and in gaining the confidence of no one. He had by his half-and-half measures succeeded in alienating all parties in France, and, by his Crimean war, his Italian policy, and his half-league with Bismarck to drive Austria out of Germany and increase the territory and power of Prussia, had succeeded equally well in losing the confidence of all the European nations with which he had any relations, and in finding himself without an ally or a friend.

The elections of 1869 disclosed the very unsatisfactory fact that he really had no party in France, and no support but his own creatures, and if he still retained a feeble majority in the popular vote, say of five hundred thousand votes out of an aggregate of six millions and a half, it was from a dread of another revolution, rather than from any attachment to him personally or to his government. This led him to a new line of policy, to abandon *personal* government, to make large concessions to what is called self-government, and to throw himself into the arms of the apparently moderate liberals, as distinguished on the one hand from the church party, and on the other from the socialists, communists, or destructives, that is, of the feeblest and least popular party in France, and consenting to the war against Prussia as his only chance of recovering, by military success, if he gained it, his popularity with the nation. His military expedition having failed, because he had, so to speak, *unmartialized* his empire, and because he was not really backed by the French people, he was obliged to surrender himself a prisoner of war with his army at Sedan, and his dynasty was expelled by a mob. He had abandoned the Holy Father in order to serve the liberals at home and abroad, deserted the cause of God, and God, and even the liberals, deserted him.

France is to-day not only prostrate under the iron heel of the Prussian, but is without any government in which any party in the nation has any confidence, and, if she recovers at all, her recovery must be slow and painful, and

subject to numerous relapses. Prussia, as we have said, will not readily let go her hold, and never, so long as she can help it, suffer her to rise from her present condition. The remote cause is 1789, or rather the causes that led to that uncalled-for and most disastrous revolution; but the proximate cause we must look for in the lack of wise and practical statesmanship in Louis Napoleon, who sought to govern France according to a preconceived theory, worked out in his closet or his solitary studies. When he took the reins of government, the Catholic party were really in the ascendant; and, had he been a wise and practical statesman, he would have seen that the only chance of reorganizing and governing France was not in laboring to maintain an equilibrium of parties, but in throwing himself resolutely on the side of the Catholic party, in studying and sustaining, without any compromise with the enemies of God and society, real Catholic interests, and in surrounding himself by thorough-going Catholic statesmen. Catholicity alone offered any solid basis for the state or for authority, order, or liberty. The other parties in the nation were all, in varying degrees, the enemies alike of authority and liberty, and none of them offered any solid basis of government. He should, therefore, have placed his whole confidence in Catholic France, and set them aside, and, if they rebelled, have suppressed them, if necessary, by armed force. Had he done so, and acted in concert with the Holy Father and the religious portion of the nation, he would have reorganized France, given solidity to his power, and permanence to his throne. But from policy or from conviction he chose to hold from 1789, and was incapable of understanding that no government that tolerates the revolutionary principle, or is based on infidelity or the rejection of all spiritual or supernatural authority above the nation, can stand. So-called self-government, without the church of God, teaching and governing all men and nations in all things spiritual, is only a delusion, for the nation needs governing no less than the individual.

But as we have already hinted, there are remoter causes of the present condition of France, and, we may add, of all old Catholic nations; and Catholics must not throw all the blame of that condition on the governments or the revolutionary spirit of 1789, still so rife. They have been and still are the great majority in all these nations, and why should they not be held responsible for the prevalence of

the revolutionary spirit, and for the bad secular governments they have suffered to oppress the church? Why have they suffered an anti-Catholic public opinion to grow up and become predominant? Why have they suffered the rights and interests of religion to be sacrificed to the falsely supposed rights and interests of the secular order? Can they pretend that no blame attaches to them for all this?

France has, at least since the death of Philip II. of Spain, been the foremost Catholic nation of the world, and for a much longer time the leader of modern civilization; and in her we may see the causes that have produced her own fall and that of the other old Catholic nations. France, in this her supreme moment, has not, we believe, a single Catholic in the administration. The president is a believer in no religion; the minister of foreign affairs is no Christian, and besides is a man of very small abilities; the minister of worship and instruction says he is moral, but he is certainly no Catholic. The transition government, opposed as it is by all the other parties in the nation, of course must at present seek to gain the support of the bishops and clergy, or what we call the church party. In Spain, though the majority are Catholics and have votes, the government is in the hands of the enemies of the church. In Italy, a handful of infidels and miscreants are able, though the great body of the people are Catholics and have votes, to control the nation, to violate with impunity every principle of private right and of international law, to confiscate the property of the church and of religious orders, and to despoil the Holy Father, take possession of his capital, and hold him a prisoner in his palace. Why is this suffered? Why is France and every other old Catholic nation ruled by men who have no regard for the church and are opposed to her freedom and independence? Whence in modern times comes this undeniable political inanity of Catholics? Why is it that popular literature, science, and public opinion are throughout the world decidedly anti-Catholic?

Certainly this is not owing to the inaptitude of Catholics as such; for, through all the ages from the fall of the western Roman empire to the taking of Constantinople by the Ottoman Turks in the fifteenth century, Catholics were the governing class, and in no period of human history have civilization and the progress of society so rapidly advanced as during this period, which Digby calls the Ages of Faith. It is not, again, owing to any loss of life or vigor in the

church herself, as is evinced by the success of her missions in Protestant nations and among savage and barbarous tribes. It is only in old Catholic nations that the church loses ground, and this proves that the cause is not in her. It can be traced to no Catholic cause, but must be traced to some defect in the Catholic administration in these old Catholic nations themselves. Catholics protect Catholic interests better, and have more influence in public affairs in Prussia, in Great Britain and Ireland, in Holland, and the United States, than in Austria, France, Spain, or Italy. Why is this?

One reason we may perhaps find in the failure of pious and devout Catholics to consider the difference between their duties in a Catholic state and what were their duties in the early ages under the pagan emperors. Under the pagan emperors, power was in the hands of their enemies, as it is in infidel, heretical, and schismatical nations now, and they had no political responsibility. All that was incumbent on them was to cultivate the private virtues, to do their best to sanctify their souls, to obey the constituted authorities in all things not contrary to the law of God, and, when the laws of the empire or the edicts of the emperors commanded them to do what the Christian law forbids, to refuse obedience and submit cheerfully to the penalty of disobedience, which in most cases we know was martyrdom. But when the empire became Christian, and especially when Christendom was reconstituted by the conversion of the barbarian nations that succeeded to the empire, the position and duties of Catholics or Christians in some respects changed. Power passed to their hands, and they became responsible for its exercise, and it was their duty to keep it in their own hands, and conform the national legislation and administration to the law of Christ. Catholics then incurred as Catholics a political responsibility which they had not under the pagan emperors, and which they were not free to throw off. The popes always understood this, and acted accordingly; but the ascetic discipline which enjoined detachment from the world was by many devout and earnest souls construed to mean detachment from all part or interest in the political order or the government of Christendom. In consequence, the affairs of state fell, as under the pagan empire, into the hands of Cæsar, or of those who were more ambitious to acquire honors and power than to protect and promote the interests of religion.

This has been more especially the case since the opening of modern history or the rise of Protestantism; and we find among devout Catholics intent on saving their own souls a feeling that there is an incompatibility between politics and religion, and that he who would serve God must leave the affairs of state to men of the world; which is, in effect, to deliver them over to the control of men who are servants of Satan rather than servants of God. The state has, therefore, been given over to the Enemy of souls, because Catholics were led, through a one-sided asceticism, to neglect to keep it in their own hands, and the church has been suffered to be despoiled, her pontiffs, priests, and religious have been suffered to be massacred, for the lack of a little resolution and energy on the part of Catholics to defend their religion and the sacred rights of their church and of society intrusted to their courage and fidelity. Thus a handful of Jansenists, Protestants, Jews, and infidels in France were permitted to establish a reign of terror over twenty-five millions of Catholics, exile their bishops, massacre or banish their priests and religious, suppress religious houses, close the churches, prohibit Catholic worship, abolish religion itself, decree that death is an eternal sleep, and substitute for the worship of the living God the idolatry of an infamous woman, placed upon the altar and adored as the goddess of reason. All this time, while all these horrors were enacted in the name of the nation, the twenty-five millions of Catholics, except in Brittany and La Vendée, made hardly a show of resistance, and suffered themselves to be led as sheep to the slaughter, forgetful that they owed it to France and to Christendom to sustain and govern their country as a Christian or Catholic nation. It is a duty to pray, and to pray always, but sometimes it is a duty for Christians to fight, and to have not only the courage to die in the battle for a holy cause, but to generous souls the far more difficult courage, the courage to kill. We have observed among French Catholics no lack of courage against a foreign foe, even in a war of more than doubtful necessity or justice, but a fearful lack of courage against the domestic foe, as in the late communist insurrection of Paris. They seem restrained by scruples of conscience.

Another reason may probably be found in the fact already hinted, that the mass of Catholics have been trained and accustomed to rely on external authority; to look for protection and support not to God and themselves, but to the secu-

lar government. They have not been accustomed to rely on spiritual authority alone, but on the secular sovereign as a sort of *episcopus externus*. This had no evil consequences so long as the secular sovereign was faithful, and acted only under the direction and authority of, and in concert with, the supreme pontiff; but it had a most disastrous effect when the sovereign acted in ecclesiastical matters in his own name, and when he turned against the pope, and sought to subject the church in his dominions to his own control or supervision, which was not seldom the case. But the clergy and people, accustomed to look to the secular authority to guard the fold against the entrance of the wolves, became slack in their vigilance and remiss in acquiring habits of self-reliance, and, with the inspirations of the Holy Ghost, of self-defence. Consequently, when kings and princes ceased to keep guard, or when they turned wolves themselves, as in the Protestant revolt, the flock was powerless, knew not to whom to look for support, and had no resource but to yield themselves to be devoured by schism, heresy, or apostasy. This is now the case with the great body of the Catholic people in all old Catholic countries. With the vain hope of conciliating the revolution and preserving their thrones, the sovereigns of Europe, without a single exception, have abandoned or turned against the church, and there is not one on whom the Holy Father can count. He is alone, with the kings and princes of the earth either hostile or indifferent to him, while the old habit of relying on the secular authority for support, for the moment at least, paralyzes nearly the whole body of Catholics in all old Catholic nations.

Another reason, growing out of the last, may be found in the habit that has grown up since the rise of Protestantism, of relying on the external almost to the exclusion of the internal authority of the Holy Ghost. The Holy Ghost dwells in the church, and teaches and governs through her as his external organ; he dwells also in the souls of the faithful, and inspires and directs them, and gives vigor, robustness, and self-reliance to their piety. Protestantism assailed the external authority of the church, and made it necessary for Catholics to turn their attention to its defence, and to show that no spirit that disregards it, or that does not assert it and conform to it, can be the spirit of truth, but is the spirit of error, in reality Antichrist, who, the blessed Apostle John tells us, was already in his time in the world; yet it may be that the defence of what we call the external authority of

the Holy Ghost, or authority of the church as a teaching and governing body, has caused some neglect in the great body of the faithful of the interior inspirations and guidance of the Holy Ghost in the individual soul. No Catholic will misunderstand us. We appreciate as much as any one can the external authority of the church, her supremacy, her infallibility; we accept *ex animo* the supremacy and infallibility of the successor of St. Peter in the see of Rome, as defined in the recent Council of the Vatican, and should be no better than a Protestant if we did not; but that external authority is not alone, or alone sufficient, as every Catholic knows, for the soul, and its acceptance is not sufficient for salvation. The Holy Ghost must dwell in the individual soul, forming "Christ within, the hope of glory." We do not mean to imply that any of our ascetic writers or spiritual directors overlook the need of the interior inspirations and guidance of the Holy Spirit, or fail to give it due prominence, but that its authority has not had due prominence given it in our controversial literature and in our expositions of Catholic faith intended for the public at large.

All these reasons have combined to reduce France, so long the foremost Catholic nation in the world, to her present pitiable condition, hardly more pitiable than that of Italy, Spain, Austria, and the Spanish and Portuguese states of this continent. What is the remedy, or is there none? We do not believe there is no remedy. We do not believe it, because the church proved her power in France under the republic of 1848, which originated in hostility to her still more than to monarchy; we do not believe it, for we see Catholicity still able to convert the heathen; we do not believe it, because we see Catholicity vigorous and flourishing, and every day gaining ground in Protestant nations, where the church has no external support, and receives no aid from the state, and is thrown back on her own resources as the kingdom of God on earth, as she was under the pagan emperors. These facts prove that she is by no means effete, or incapable of making further conquests. Her decline in old Catholic nations is no sign of weakness or decay in her, but is due to the imperfect training, to the timidity and helplessness of her children, deprived as they are of their accustomed external supports.

The remedy is not, as La Mennais contended, in breaking with the sovereigns and forming an alliance with the revolution; but in training her children to those interior

habits and robust virtues that will enable them to dispense with the external props and supports of society, and in asserting for herself in old Catholic nations the freedom and independence she has here, or had in pagan Rome, though it be done at the expense of her temporal goods and of martyrdom. The people of God, under the old law, sought support in an arm of flesh; the arm of flesh failed, and they were carried away into captivity. The arm of flesh fails the people of God again. There are Christians, but there is no longer a Christendom. Modern society is hardly less pagan than the ancient society the church found when she went forth from Jerusalem to convert the world. There is no reliance to be placed in the horsemen and chariots of Egypt. The whole world is to-day, as in the time of the apostles, a *missionary* world; and, perhaps, the greatest embarrassment of the Holy Father is encountered in the fact that Catholics in old Catholic nations cannot see it, but persist in being trained and governed as they were when there was a Christendom. Everywhere the church is by the defections of the governments become again in all nations a missionary church, and her bishops and priests need everywhere to be trained and formed to be wise, persevering, and effective missionaries. Catholics must everywhere be made to understand that it is not the church that needs the state, but the state that needs the church.

France without the church has no power to reorganize the state. She has not yet subdued the revolutionary elements which have so confused her, nor loosed the hold of the conqueror upon her throat, and her present improvised government deserves the confidence of no party in the nation. In itself, the Thiers government is utterly powerless. It needs the church, and cannot stand without her. French Catholics should understand this, and boldly assume the lead of public affairs, if they are men and love their country, and make, as they now can, the republic, under an emperor, king, or president, it matters not much which, a truly Catholic republic, and France, now so low and weak, may become again the nucleus, as under Clovis and St. Clotilde, of a reconstructed Christendom, constituted differently as to politics, it may be, but unchanged as to religion from that which has now passed away. The church never dies, never changes, and cannot be other than she is; but the political organization of Christendom may change with time and events. It changed when the barbarian nations displaced

the Roman empire; it changed when Charlemagne closed the barbarous ages, and opened the way for the feudalism of the middle ages; it changed again when, through the revolution inaugurated by Luther, absolute monarchy succeeded to feudalism in Catholic hardly less than in Protestant Europe; and it may change again when order succeeds to the present revolutionary chaos. It is not likely that Christendom will be reconstructed on its old political basis, whether it is desirable that it should be or not, and, for ourselves, we think that all who hope to see it so reconstructed are sure to be disappointed. We think it not improbable that, when Christendom is reconstituted, it will be politically, on a republican and anti-monarchical basis. Pure absolutism, whether that of Cæsar or that of the people, is incompatible with the recognition of the divine sovereignty, and consequently with religion. Neither form of absolutism can form the political basis of a reconstructed Christendom; but the probabilities are that, when things settle into their places, and the new order begins to emerge, it will be based on some form of republicanism, in which the organic people will take the place of the monarch.

The present condition of things is certainly sad; but we see nothing in it that should lead us to despair of the future. Catholics in old Catholic nations have needed, and perhaps still need, to learn that the church can subsist and conquer the world without any external support of the secular government, but that secular government cannot subsist and discharge properly its duties to society without the church. We who live in Protestant countries, and see society daily dissolving before our eyes, have no need to be taught that lesson; we have already learned it by heart. But the mass of Catholics in old Catholic nations, even of the educated as well as the uneducated, as yet only imperfectly understand it, and consequently render it difficult, if not impossible, for the church to adopt fully and promptly the measures she might judge the most proper to meet the wants of the times. They do not see that the old Christendom has gone, beyond the hope of recovery. Providence, it seems to us, has permitted the present state of things as necessary to disembarrass the church of their inopportune conservatism, and to force them to learn and profit by the lesson which every day becomes more and more necessary for them to heed, if the prosperity of religion is to be promoted, the salvation of souls to be cared for, and the preservation of society assured.

The measures taken are severe—very severe, but there are scholars that can be made to learn only by the free use of the ferula. Especially do the Catholics of France need to learn this lesson, for in no other country have Catholics made their religion so dependent on the secular order.

The fall of France, notwithstanding the faith, piety, and charity of so large a portion of her people, will probably prove only a temporary injury to Catholic interests. France has fallen because she has been false to her mission as the leader of modern civilization, because she has led it in an anti-Catholic direction, and made it weak and frivolous, corrupt and corrupting. Providence is severely punishing her, but has not, we trust, cast her off for ever. She has in her bosom still millions of Catholics, and these have only to come forward in the strength of their religion, displace the enemies of God, take themselves the management of the affairs of the nation, and show the wisdom and energy they did in 1848, when they put down the red-republicans and socialists. They will then enable France, in spite of the grasp of the conqueror and the fierce opposition of the destructives, to recover, slowly and painfully, it may be, but nevertheless to recover, and to prove herself greater and more powerful than ever. When France becomes once more a really Catholic nation, the revolution will be extinguished, infidelity will lose its popularity, atheism will no longer dare show its head, and a reaction in favor of the church will take place, so strong and so irresistible that the whole world will be affected by it, and the nations that have so long been alienated from unity will be brought back within the fold.

The only obstacle to this grand result which we see is in the timidity, in the lack of energy on the part of Catholics in the assertion and defence of their religion, or in their want of courage to confide alone in God for success. Adversity, we think, can hardly fail to reform and reinvigorate them, and to direct their attention to their true source of strength as Catholics or the children of God. They will learn from it to adhere more closely to the chair of Peter, and to rely more on the internal direction of the Holy Ghost, and less on the aid of the secular order. No doubt, the present state of things imposes additional labors as well as sufferings on the bishops and clergy in old Catholic nations, and requires some modifications of the education of the priesthood now given in our seminaries. Our Levites

must be trained for a missionary world, not for an old Catholic world; but this need alarm no one; for the greater the labors and sacrifices in the service of God, the greater the merit and the reward.

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# EUROPEAN POLITICS.

[From Brownson's Quarterly Review for January, 1873.]

During the last eight years grave and important changes have taken place in European politics and the relative positions of European powers, the greater part of which we foresaw and predicted before the suspension of the *Review;* yet some of them have come sooner than we looked for, and not in precisely the form we expected. We argued against the Italian campaign of Louis Napoleon in 1859, that it would deprive the Holy Father of his temporal possessions, secularize the States of the Church, and that Italian unity would lead inevitably to German unity and the reduction of France to a second or third-rate power; but we confess we did not foresee Sadowa, or that Napoleon would be so mad or so weak as to suffer Prussia to drive Austria out of Germany, as he had at the demand of Cavour and the Italian assassins and robbers driven her out of Italy. We saw that the hegemony of Europe must pass from France to Germany, but we trusted that it would be to a Germany that included Austria with her non-Germanic provinces in which Catholicity would predominate, not a prussianized Germany which excluded her, and in which Protestantism, lapsing into infidelity, would be in the ascendency.

We foresaw that a war between France and Prussia must come, as it was set down in the Napoleonic programme, as we gave it in 1853, to follow next after the war with Austria, and prior to a war with Great Britain to avenge Waterloo and the imprisonment of the first Napoleon; but we trusted that it would come before Prussia had succeeded in strengthening herself by a military union of all Germany, except Austria, and while France might be still able to cope with her. But Napoleon, dreaming of natural boundaries, and raising up the so-called Latin nations to revolve as so many satellites around France as their central sun, suffered Prussia

by the defeat of Austria, by the annexation of some, and the forced federation of others, of the smaller German states, to become too strong for him; and when the war actually broke out in July, 1870, I tried in vain to persuade myself that she would not be worsted.

We never regarded Napoleon as a statesman of the first order; he was too much of a theorist, and a bad theorist at that, a closet dreamer, and events have proved that his earlier successes were due to abler men than himself, who had linked their fortunes with his; but we did regard him as an able diplomatist, and an adroit manipulator of parties; yet he was not even that. He as emperor managed to alienate from him all parties in France, to isolate his empire, to find himself without an ally, and though at the head of the first military power in Europe, without an efficient army or efficient generals, to lose the throne for himself and family, to prostrate France, and to sink her in more utter helplessness than that in which his greater uncle, defeated by allied Europe, had left her; and what is worse, he has rendered her recovery of the rank and power with which he found her hopeless. She cannot move against Italy, her own creature, and compel her to keep the faith of treaties with her, for Prussia has her iron heel on her neck; Austria cannot come to her assistance, without exposing herself to the attacks of Russia and sharing the fate of unhappy Poland; Russia is relieved by her prostration from a powerful obstacle to her policy in the East, and has at present no need of her as an ally; Great Britain has enough to do at home, and is not in the habit of helping gratuitously those who need her help,—she is generous only when well paid for her generosity; Spain is too distracted, too poor, and too feeble, to aid her even if she were so disposed,—besides, she must follow the line marked out for her by Prussia and Italy. With a united Italy, able to defend herself on one frontier, and the new German empire more than a match for her on another, we cannot see any chance for France to regain the rank she has lost. She owed that rank to her unity, to her central position, and to the weakness of her neighbors, to the division of Italy into several independent and frequently hostile states, and the loose constitution of the Germanic empire, which made Germany an agglomeration of sovereign states rather than a single state. These conditions no longer exist, and France cannot, humanly speaking, escape the consequences.

If Napoleon had been a French statesman, he would have

used his power to strengthen Austria, from whom he could, as long as Russia lay back of her, and menacing her with Panslavism, have nothing to fear, in the Italian states she possessed, or whose policy she directed, and aided her to maintain her position in Germany, as a curb on the grasping ambition of Prussia, and have prevented, at all hazards, the unity or consolidation either of Italy or Germany. In the interior, instead of seeking to maintain a sort of equilibrium of parties, or preserving all so as to be able to play off one against another, he should at once have crushed out the Jacobins and socialists, sustained the Catholic party in power, in accordance with French traditions, and used all his power, if necessary, to maintain the head of the church, the vicar of Christ, in his freedom and independence, and to protect him in all his rights spiritual and temporal, especially in his sovereignty of the States of the Church. He had the opportunity when, in 1852, he became emperor, to adopt and sustain this policy; and if he had done so, he would have raised France, without any extension of her territory, to the height of human glory, confirmed his throne and dynasty, and preserved for her the hegemony of Europe and the lead of the civilization of the world. But with an infatuation, incomprehensible to us, he adopted and persevered in a contrary policy, which could not fail to deprive his empire of its rank as a great power, if it did not involve its total destruction. He seemed to verify the proverb, *Quem Deus vult perdere, prius dementat.* His power culminated in his Italian campaign, and Solferino was his last success. Every important measure he afterwards attempted, miscarried. Even that campaign itself was substantially a failure, for it failed to secure him Italy as an ally, while it incurred for him the displeasure of the pope, lost him the confidence of Catholics, which we never had, in the sincerity of his friendship for the church, without conciliating the so-called liberals. His Mexican expedition was as great a blunder as his uncle's invasion and attempted conquest of Spain for his brother Joseph, after kidnapping the crown prince at Bayonne; it proved a failure and a disgrace, and was the indirect and almost the immediate cause of his downfall; for it made Sadowa possible, and it was at Sadowa, not at Sedan, that he was conquered.

His constitutional reforms, or abdication of his personal power in January, 1870, and attempt to govern through a responsible ministry, after the English manner, so much

applauded by the liberals, was a sad blunder, and I assured his friends at the time that it was virtually the end of the Napoleonic empire and dynasty, and would deliver France over to the misrule of the reds and socialists. The *plebiscitum* was virtually a vote of escheat. We hold the Olivier ministry, rather than himself personally, responsible for the declaration of war against Prussia in July, 1870; but the pressure of public opinion, created, in the main, by the secret societies under the direction of Bismarck and his Italian allies, was so great that he could hardly have avoided it had he retained absolute power. The English system of government is impracticable in France, and the French people do not as generally accept the principles of 1789, as the English do the principles of 1688. The English revolution was a dynastic and parliamentary revolution, and left the internal constitution of English society and the individual and social relations of the people comparatively unaffected; the French revolution of 1789, was a social revolution, and changed the whole interior as well as exterior structure of French society. The English revolution was made to secure the absolute ascendency of Protestantism, the religion of the immense majority of the nation; the French revolution was made against Catholicity, the religion of the great majority of the French, in favor of the anticatholic and infidel minority. English parties all take, since the battle of Culloden in which the Stuarts were finally defeated, 1688 as their point of departure, and differ among themselves only on questions of detail or of administrative policy; French parties do not all take 1789 as their point of departure; the large majority start from a point a thousand years earlier; the majority of the minority reject 1789 as not sufficiently radical, and only the smallest section of the people, so small as to be invisible without a microscope, accept 1789. It is then easy to see why the several English parties up to the present have been able to coexist under the same regimen without breaking its order and endangering the state, and why the totally different French parties cannot so exist, and, consequently, the blunder of Napoleon in supposing he could govern France by a skilful manipulation of them on the principles of 1789.

Napoleon seems to have supposed that it required, to carry on government in France as in England, only this skilful manipulation of parties, keeping the balance even between them, and suffering no one to gain a decided ascendency,—neither the party of the church nor the party of the revolu-

tion, neither the monarchists nor the republicans, neither the conservatives nor the radicals. His policy was to favor all up to a certain point, and beyond that to restrain each in turn. Yet, in professing to adopt the principles of '89, which never had any hold on the French nation, and were repudiated by all parties, as either too much or too little, he based his government on the revolution, on which no government can stand, for the right of revolution is antagonistic to all right of government or authority. His government consequently had and could have no moral support in the loyalty of the nation, and must necessarily fall the moment he should be unsuccessful, or physical force should fail him. In fact, in adopting the principles of 1789, and accepting the revolution, he in principle broke with the church and the traditions of the French nation, and had nothing on which to base his power but material force and the material interests of the people; and material force and material interests, detached from the traditions of a nation, from religion and morality, from the recognition of right or duty, are never a sufficient support for any government, as our own experience and that of all ages amply prove. The more a government does to develop and promote the material interests of a people at the sacrifice of their higher and more permanent moral and spiritual interests, the weaker and the less secure does it become. The secret of the fall of both the first and the second French empire is in the fact, that each relied on the material order alone, and thought its undeniable success in promoting the material interests of the people would secure it their support,—a sad mistake, but into which all materialistic statesmen fall. The uncle and his nephew were, as statesmen, materialists; and thus one died a prisoner on the barren rock of St. Helena, and the other is now an exile and powerless in England, the jailer of the uncle.

Napoleon III., as emperor, did much to corrupt the French people, to unspiritualize them, to quench their thirst for glory, to suppress their high-toned chivalric spirit, to smother their patriotism, to make them selfish and incapable of great sacrifices, by his efforts to introduce and establish the English mercantile and industrial system, to carry them away in the pursuit of gain, and to engross them with purely material interests; but his fall and the overthrow of the empire was, under the circumstances, not desirable, for nothing better in the actual state of France could be hoped for, and something

far worse was to be feared, as something far worse has followed. There have followed the 4th of September, the improvised government of defence, Jules Favre and Gambetta, the loss of Alsace and Lorraine, the thousand millions of dollars' fine to Prussia, the 18th of March, the commune, the murder of the hostages, and, for the moment, M. Thiers, with no better principles than Napoleon had, and as despotic and as arbitrary as ever Napoleon was, and like Napoleon sacrificing Catholics to the infidel minority.

This much is certain, that Sedan was less calamitous to France in itself, than in the fact that it rendered the 4th of September and its consequences possible. What has followed has made us regret the fall of Napoleon III., as 1848 made us regret the fall of Louis Philippe, whom we never liked, or supported. Never have we seen the condition of a people bettered by a violent revolution, that overturns its existing political or social order, and breaks with its traditions. A change in the person of the ruler is sometimes necessary and attended with good result; in the fundamental constitution of the state, never. We regretted the fall of the monarchy of July, we regretted the fall of the republic of 1848, and we regret the fall of the second empire. Yet we would restore neither one nor another of them. If we could favor any restoration in France, it would be that of the elder branch of the Bourbons; and yet we know not that we should favor that, even if it were practicable, which it certainly is not now, however it may have been when the present national assembly was elected, the horror of the government of defence was at its height, and the disgust of the dictatorship of Gambetta was universal. Gambetta has a long tongue, is blessed with what in homely phrase is called the "gift of the gab," and restrained by no principle, but he is to all appearance the coming man in France. M. Thiers seeks to use him against the legitimists; but it will go hard but he uses M. Thiers against the national assembly, in favor of the red republic.

As Catholics, we naturally feel a deep interest in the fortune of France, for some centuries regarded as the leading Catholic power of the world. She is now prostrate, and lies at the mercy of the conqueror. She has only a provisional government, and, owing to internal dissensions, the national assembly is snubbed and controlled by M. Thiers, who holds his power, whatever he has, from it alone, yet appears to be unable to take a single step towards reorganizing the state.

The majority of the French people are, undoubtedly, monarchists and opposed to republicanism, but that majority is divided into three irreconcilable parties, the legitimists, the Orleanists, and the Bonapartists, and, as we should judge, of about equal strength. They are all for a monarchy, but cannot agree who shall be the monarch; and any one of them joining the republican minority would make it the majority, or give it the ascendency. M. Thiers, an Orleanist, equally opposed to the legitimists and the Bonapartists, seems to be disposed to use the power he wields as chief of the executive government, so as to bring about a union of the Orleanists and republicans in favor of an orderly or conservative republic as opposed on the one hand to monarchy, which at present at least he holds to be impracticable, and on the other, to the commune, or the infidel and socialistic republic, under the ex-dictator Gambetta, incompatible with all security of person and property. We do not believe in M. Thiers, and he has, as far as we know, failed to appoint to an office of any importance a representative Catholic; but we are inclined to believe that his policy of a conservative republic is the best, because, in the present state of things, the only practicable policy for France.

Our friends of the *Univers Catholique*, republican in 1849, imperialist in 1852, now a legitimist, oppose the republic, not only in the name of Henri V., whom France has never recognized or obeyed as king, but also in the name of religion. The Count de Chambord is, we believe, a worthy man, and a good Catholic, and his chance of acceding to the throne of his ancestors was much less desperate eighteen or twenty months ago than it is now. The legitimists are the most unpopular and incapable party in France, and, if the most respectable party, they are probably by far, politically, the weakest. If the Count de Chambord accedes to the throne, he has assured us, it must be not by any compromise with the changes effected by the revolution, but solely by virtue of his hereditary right and under the old Bourbon drapeau,—a drapeau few Frenchmen honor, and a right which fewer still remember. Indeed the party which Louis Veuillot espouses, and seems disposed to hold every Catholic bound by his religion to support, is a party of impracticables. How is Henri V. to be placed on the throne of St. Louis? who is to place him there? or who is to sustain him there? What could he do for France or for the church, even if enthroned at Versailles in the palace of his ancestors? The

Bourbons were seldom good servants of the church, and it was under their reign, or that of their mistresses, that was prepared the revolution of 1789, which cursed France with the reign of terror, and the military despotism that resulted from it.

But the *Univers* appears to think that Henri, if king of France, would restore the Holy Father now despoiled and held a prisoner in his palace; but so probably would M. Thiers, if he had the power. The *Univers* forgets that France has been conquered, that she has lost the hegemony she so long exercised and so often abused, and that she is no longer able to cope even with Italy, certainly not with Italy backed by Prussia. Were France to attempt an armed intervention, or even a diplomatic intervention, in behalf of the pope, she in all human probability would be crushed anew by Prussia, and that, too, without any benefit to the Holy Father. France, the *Univers* seems to forget, is bound hand and foot, and cannot move in opposition to the will of Prussia, and Prussia is Protestant and a bitter persecutor.

We have no doubt that Henri V., if on the throne, would do all he could for the Holy Father, but it is little or nothing that he could do, and we think it a great mistake to look for the deliverance of the church from the sacrilegious and matricidal tyrants that oppress her, to any political combination or action whatever. We think, and we hope we may say so without any impeachment of our Catholic loyalty, that Catholics have in various ages and nations relied quite too much on the political order for the protection and promotion of Catholic interests, and not sufficiently on the church herself, or her supernatural resources as the kingdom of God on earth. The political order can serve the church only in her temporality, never in her spirituality; and the habit of relying on it, and regarding Catholic interests as bound up with any given political order, tends to turn the mind outwards, and to hinder the true inward development or growth of the faithful. An infidel republic is unfavorable to religion, no doubt, and so is an infidel monarchy; but when the people are truly and thoroughly Catholic, a republic cannot be hostile to the church, or unfavorable in its action to religion; and an absolute monarch, where the people are heretics or infidels, can do little or nothing to promote Catholic interests, as was proved by James II. of England, and has for several generations been proved by the kings of Saxony. M. Louis Veuillot commits a fearful

blunder, it seems to us, in laboring to identify the church with monarchy, and to prove the republic identical with infidelity. We believe in being faithful to principle, and that we ought to die sooner than abandon or compromise any Catholic principle or dogma of faith; but we do not know that in political matters or questions of simple human prudence, where no principle of Catholic faith is involved, we are bound to war against the inevitable, to insist on the impracticable, or to make ourselves martyrs to "lost causes." We do not believe the rights of kings or kaisers are inamissible. They hold from God through the nation or people, and may lose them by misusing them, or by ceasing to be able henceforth to govern for the public good or the good of the community. We think it would be difficult to maintain in either civil law or in canon law, that the Count de Chambord has any right to the throne of France, which any Frenchman is bound to respect and defend at all hazards. In 1789, the nation, with the consent of all orders in the state, took the government of itself into its own hands, and ceased to be the property of the Bourbons.

The church has never enjoined any particular form of government, and monarchy is as little a dogma of faith as is democracy; and we protest against making the support of either a test of one's Catholicity. I am bound to obey the higher powers, or the legitimate government of my country, in all things not forbidden by the law of God, be that government monarchical or republican; but the Count de Chambord is not and never has been that government. Let him be recognized by France as her legitimate sovereign, and enthroned as such, and the French Catholic would be bound in conscience to be loyal to him, and, if it were practicable, to elevate him to the throne of which he was the heir presumptive. We think it would be the best thing she could do, if it were practicable to do it with the general assent of the nation; but without that assent, which the count disdains to seek, he could reign only by force, and only so long as he should have the major force on his side. The *Univers* forgets that a king, however absolute, cannot govern a nation, the major part of which, rightly or wrongly, denies his right to govern, and feels under no obligation to be loyal to him, except by sheer force. The great majority of Frenchmen recognize no right in the Count de Chambord to govern them, and no moral duty on their part to obey him as their king.

We grant that, in reconstituting France, the interests of religion should be consulted as the first and principal thing, as paramount to all other interests; but where the people are Catholic, truly and thoroughly Catholic, there is no more danger to religion from a republic than from a monarchy. The church was freer, more independent, more energetic, more influential, and more prosperous in France under the republic of 1848, than she was under the empire. It was the republic, not the empire, that restored the pope driven out of Rome by his rebellious subjects led on by Mazzini, Garibaldi, &c.; it was the republic, not the empire, that broke up the monopoly the university held of the higher education, and obtained the comparative freedom of education, for which Catholics had been so long struggling in vain under the monarchy; it was the empire, or at least, Louis Napoleon as dictator, that destroyed the freedom gained by the law of March, 1850, and subjected education to the absolute authority, not indeed of the university, but of the government. It was not the republic, but the empire, that is responsible for the spoliation and imprisonment of the pope; it was not the republic, but the empire, that revived the infamous "organic laws" of the first Napoleon, —laws that forbid the bishops to assemble in provincial councils, to consult together even by letter, to visit the Apostolic See without the permission of the government, or to publish a papal document without the imperial *placet*. It was not under the republic that we saw the church bound hand and foot although with gilded chains, and that frightful recrudescence of infidelity, materialism, and atheism, which presages a nation's fall. Yet the *Univers* denounced the republic, and vented its sneers and sarcasms against all who would sustain it or who regretted its downfall. Under pretence of serving religion, it made itself the champion of the empire and Louis Napoleon, as it does now of monarchy and Henri V.

Prince Bismarck is, I believe, the minister of a monarchy, not of a republic; and what sort of protection does he or the Prussian monarchy afford the Catholics of the new German empire? The Paris commune showed itself more violent in its hostility but not more satanic, nor more reckless of right, of justice, of all law human or divine, than it does. The persecution of Catholics by the imperial monarchy of Germany adds to ordinary persecution, such as that by the commune, the basest ingratitude, since, but for

their aid, King William could never have become Kaiser William, or Prussia have wrested the hegemony of Europe from France. A conservative republic, where there is a decided Catholic majority, even politically as timid and feeble and as ready to submit to the rule of the anticatholic minority as are French Catholics generally, could hardly be worse than is monarchy in Prussia or even Catholic Bavaria at this very moment. Kings and kaisers have sometimes aided, we willingly concede, the missionary in his efforts to convert the heathen to Christianity; but in all or nearly all cases, where the conversion of the nation began at the court and was effected by the example and the authority of the temporal sovereign, the nation has lapsed into heresy, as we see in England, North Germany, Denmark, Sweden, and Norway. Such nations are converted to the king's religion, and, as a body, change their religion as the king changes his.

For ourselves, we "put not our trust in princes;" we rely, for the restoration of the pope to his temporal rights, and the deliverance of Rome from the despotism of the infamous and sacrilegious Sardinian government, supported, as was formerly the German kaiser, by all the miscreants of Italy, —not on temporal sovereigns, or any political combinations probable or possible. We rely on the revival of the Catholic faith and piety, courage and energy, of the people, or, as we may say, on the reconversion of Europe to the church now well-nigh returned to heathenism. Christendom no longer exists. There is no temporal sovereign that can come to the aid of the Holy Father in his temporality. Spain is in the crisis of a revolution; the Italian states are usurped and held by Sardinia, sustained by Prussia; France cannot, Austria cannot, for Prussia has her heel on the neck of France, and if Austria should move she will share the fate of Poland, and be divided between Prussia and Russia, and lose her national existence. Clearly, the Holy Father can look for help only to God and the reviving piety and zeal of the faithful. As we said more than twenty-five years ago, the church is thrown back on her own resources as the kingdom of God on earth, and is very much in the condition she was under the pagan Cæsars. Her reliance is not on Cæsar, who is her enemy, but, under God, on the missionary, who can take his life in his hand, and bid Cæsar defiance. Pius IX. is robbed of his temporal possessions, obliged to live on the alms of the faithful, and is held a

prisoner in the Vatican; and yet no pope, since the time of Charlemagne, has been freer, more independent, or more powerful, for he is prepared for martyrdom, and is hampered by none of the political interests or combinations of temporal sovereigns. He is delivered from his temporal protectors, and can speak out as the vicar of Christ, and his words fetch an echo from all Catholic hearts, revive their faith and love, infuse into them fresh courage and zeal, and prepare them to overcome the world by preparing them to suffer and die for God and his church. His patience in his sufferings, his serenity and peace under the foulest insults and most grievous wrongs, his steadfast adherence to the right, and unwavering confidence in justice, while himself the victim of almost unparalleled injustice, command the attention and sympathy of all generous and noble hearts, tell with wondrous power even on the unbelieving, and dispose favorably to the church all who are not hopelessly blinded by Satan, or carried madly away by his delusions. He proves his right to his title, the vicar of Christ, by his resemblance to his Master, and by his ability to drink of the cup of which He drank. He must overcome his enemies: God will not suffer him to fail.

We are, therefore, so far as religion and the church are in question, quite indifferent to European politics. Let them go as they will, the church has little to fear and still less to hope from them. Perhaps it was necessary that the sovereigns should abondon her, and leave her to her own spiritual resources, in order to free her administration from the embarrassments created by her old connection with professedly friendly, but really hostile governments. We believe the church will gain vastly in the end by the desertion; but woe to the deserters, the persecutors, and the sacrilegious despoilers of the Holy See! They have meant it for evil, and will not escape the penalty of their deeds, for no thanks to them, if God overrules their treachery for good to his immaculate spouse, whom he hath purchased with his own blood. We have shown that we are no advocates for the separation of the church and state, in the sense condemned in the syllabus, but the very reverse; yet we cannot help regarding the sort of connection between the church and the state which has for some time subsisted in Europe as an embarrassment to the free and independent action of the church, and, though a necessity as things were, a source of weakness to her, by causing the people to rely too much

on politics in relation to ecclesiastical matters. The embarrassing connection is now virtually dissolved by the disloyal action of the political powers themselves, and the opportunity is afforded, of which the church can hardly fail to take advantage, as the people return to their fidelity to their spiritual sovereign, to reëstablish the necessary union of the two powers on a more equitable and a firmer basis. We do not look to princes to restore the pope, and to take care of the faith and worship of their subjects, but to the conversion or reconversion of the European populations, who will place their governments, monarchical or republican, in harmony with the church, and subject them to the law of God, as interpreted and applied by the vicar of Christ on earth. We are by no means democrats, or the opponents of monarchy, but we think a really Catholic people are safer guardians of the external rights and interests of the church, than kings or kaisers have ever been. Our hope is not in democracy or popular government, nor in monarchy absolute or limited, but in the recovery of the people through the unwearied and self-sacrificing labors, in union with the supreme pontiff, of the bishops and their clergy to revive the faith which had waxed cold in the people, and to awaken them to a sense of the worth of Catholicity, and of their duty to devote themselves to the work of serving God as the church directs. The rest will follow.

The revival of faith and piety has already begun, and is going on. France was never so Catholic under the empire as she has become since its fall. The pilgrimages to our Lady of Lourdes and other holy shrines are an encouraging sign, and would be still more so if free from all suspicion of mingling political motives with those of pure devotion. Few, if any, French Catholics have held or taken part in these pilgrimages but the partisans of the Count de Chambord; and this fact would seem to indicate a disposition to connect in France the cause of religion with that of the legitimists. To make pilgrimages to the sacred shrines of our Lady, to invoke her powerful aid in saving one's country, is praiseworthy; but it would be a more hopeful sign of reviving faith and piety, if made from purely spiritual motives, to pray and to beseech our Lady to pray her divine Son for the deliverance of the Holy Father, for the freedom and independence of the church, the defeat of the hopes and machinations of her enemies, and the conversion of the ungodly and the unbelieving. The persecution of Catholics

in Germany, the suppression of religious houses, the expulsion of the Jesuits, the Redemptorists, and kindred communities from the empire if foreign-born, and prohibiting them, if native-born, from exercising any sacerdotal or educational function, and placing them under the *surveillance* of the police, the attempt, contrary to the law of the state, as well as contrary to justice and the rights of God, to control the prelates of the church in the exercise of their spiritual functions, and to subject religion to the temporal power in violation of the concordat, will weaken the new-fangled imperial power, produce a reaction in favor of Catholicity, and tend powerfully to strengthen the faith, to invigorate the courage, and to inflame the charity of Catholics in Germany. Even in Italy there is a revival of faith and piety, and a return of veneration, of filial affection for the Holy Father, which promise no pleasant residence in Rome for Victor Emanuel and his court. They engage in an unequal war who war against God, who, when He has no further use for them, is sure to cast them into outer darkness, to wail and gnash their teeth.

As we expect little aid for religion from European politics, let them take what turn they may, and as we are not wedded, and do not hold the church to be wedded, to any particular form of political organization, our interest in them is but slight. For the present, the political hegemony is in Prussia, and there is just now no European power in a position to wrest it from her. Great Britain counts for nothing, or for very nearly nothing, in continental politics. She threw away her chance of recovering her former continental power and prestige when she abandoned Austria, her old and faithful ally, and sought to supply her place with treacherous Prussia; when she suffered France, Sardinia, and the enemies of the papacy, to drive Austria out of Italy, and Prussia to drive her out of Germany, and when she refused to assist Napoleon in the war of 1870, and suffered France, her only efficient ally in the East, to be crushed by Prussia. Her peace-at-any-price policy, and readiness to sacrifice national honor to the exigencies of trade, have lost her the proud rank she held at the conclusion of the wars growing out of the old French revolution; and a few years more of Mr. Gladstone's unstatesmanlike administration will reduce her to political insignificance in continental politics.

Great Britain is a great manufacturing and commercial

nation, and the old French revolution and the Napoleonic wars made her mistress of the seas, and gave to her manufactures the monopoly of the markets of the world. But other nations have since begun to compete not unsuccessfully with her in more than one branch of manufactures. French, Belgian, and German broadcloths have, to a great extent, taken our markets from her, and many kinds of goods we formerly took from her, we now manufacture for ourselves. Through our own short-sighted policy, the United States are still little more than an appanage of the British industrial and commercial world, yet she cannot for any great length of time continue to draw the immense profits she does now from her trade with us, for the most part carried on in her own bottoms. A larger and larger share of our trade will be transferred to France and Germany; and even now the heaviest part of our imports from her are confined to such articles as railroad iron, crockery, drugs, and dye stuffs. She holds still the southern routes of trade with the East, but Russia holds the northern and shorter routes, and is steadily advancing southward, while we have opened a westward route, and are preparing to compete with her for the trade of Japan, China, and her own thriving colonies in Australia and the South Pacific. The modification of the treaty of Paris of 1856, gives her Russia as well as France for a formidable rival for the trade of the Ottoman empire. In a few years, the natural development of other nations not inferior in skill and industry to the English, and the inevitable changes in the course of trade, will, in spite of her vast capital,—much, if not all, only paper capital,—deprive her of her industrial and commercial superiority, as by the same causes was ancient Phœnicia, or has been modern Venice, once as eminent as she is.

Prussia, calling herself Germany, aspires to be a great maritime and commercial nation; and having absorbed the old Hanseatic towns and the centres of German capital, she has some right so to aspire. But the attempt to become so will make her an enemy of Great Britain, especially if she proceed to absorb Holland, and, what is of much more consequence, bring her into conflict with Russia, who will not willingly suffer the Baltic to be made a Prussian lake. At the present moment Russia seeks to avoid a conflict with Prussia, which would be a conflict with both Prussia and Austria, since in such a conflict Austria would be compelled to sustain Prussia in her own self-defence. For a war with

Prussia and Austria combined, Russia is not at present prepared, and will not be till she has completed the reorganization of her army, now in process, and which will require four or five years of peace. The object of Gortschakoff in bringing about the meeting of the czar with the emperors of Prussia and Austria at Berlin,—contrary, we presume, to the wishes of Bismarck,—was, we doubt not, to secure peace between the three empires for that length of time, when Russia will most likely dispute with Germany the hegemony of Europe. By that time, France may find an opportunity to assist, and revenge on Prussia her late crushing defeat. The hegemony will then pass from Germany to Russia. Berlin is, we believe, on the road from Paris to St. Petersburg. The Slave will then supplant the Teuton, as the Teuton has supplanted the Gaul. That this result will come, and Russia carry out her long-settled purpose of putting an end to the Ottoman empire, and making Constantinople her southern capital, we look upon as certain as any future event. Such an event would be, as far as we can see, no great calamity to the world. The so-called Latin nations have been false to their trust, and God has apparently given them up to revolutionism and anarchy. Germany prussianized is only another name for the most iron despotism that the world has known since the birth of our era. If Russia were Catholic, her predominance might be a great blessing to mankind; but, as it is, she is better than the Turk, better even than the Protestant. Besides, God may have mercy on her, and move her to return to the unity which she should never have broken.

In the conflict which must come between Russia and Germany, Russia may, perhaps, appeal to the Catholic sentiment of Europe, and enlist Catholic sympathies on her side, by insisting on the liberation of the pope and the restoration to the Holy See of her temporal possessions, of which she has been so wickedly despoiled. But that restoration, and the reinstatement of the pope in the full exercise of his temporal sovereignty, would amount to little if the populations of Europe remained unconverted, or as they are now. We think we see a break up of Germany, Austria, and Italy, as they are now settled, as an inevitable event, and that in this breaking up the Holy Father will recover his freedom and his own principality, but it is not on this we rely. We rely solely on God to revive the faith and piety, the courage and the zeal of the Catholic peoples, for, with-

out that, a return to the *status quo* would avail nothing. If all the princes of Europe were really Catholic, it would effect little for Catholic interests or the progress of religion, without a change in the people. Men and women, nay, even children, must become, as under pagan Rome, martyrs and confessors. The pope, the bishop, the priest, the missionary, who is ready to suffer bonds and imprisonment, nay, death itself, for his religion, alone is free, independent, above the reach of Satan's malice. No power on earth or in hell can touch him or silence his voice, for, though dead, he will continue to speak, and proclaim the power and glory of the crucified Redeemer, who is King of kings and Lord of lords.

The weakness of Catholics in the conflict with the powers of earth and hell, is in the deadness of our faith, in the lukewarmness of our charity, in the fact that we have fallen into routine, feel that somebody must defend us, without any trouble or effort on our part, in our not being ready to give up all for Christ, even life itself. We are afraid to be confessors, martyrs. We praise the martyrs, and we admire, we honor them, but are too weak to follow them, and therefore the wicked triumph over us. The persecution which is now raging in Germany, Italy, and Spain, and threatening us in France, will, it is to be hoped, wake us from our sleep, invigorate our faith, strengthen our courage, infuse new life into our souls, and prepare us to die, if need be, with our Lord on the cross, in the hope to rise and reign with him in the glory of his kingdom. Then will the nations be converted or reconverted, the church secure a momentary peace, and the Holy Father be restored to his rights.

Taking this view of the church question, which is the great question with us as Catholics, we may view with comparative indifference the merely political questions that may arise, or the political changes that may take place. It is not through politics or governmental action that the church can recover the ground she may have lost, or religion be promoted. There has been too much reliance on politics, and not enough on the grace of God. While men have been engrossed with political questions and agitations, they have lost their faith, suffered their piety to decay, and given the enemy the chance to win the victory. Political interests, patriotism, civilization itself, are not only subordinate to religion, but dependent on it, and worthless, or worse than

worthless, without it. Without Catholicity, politics, patriotism, civilization are impotent for good, even in relation to this life; nay, without it there is no civilization conceivable, and we advance toward barbarism just in proportion as we recede from the church. Patriotism divorced from religion, or acting without the guidance and control of the church of God, never serves one's country, but simply hastens its ruin. Politics acting with indifference to religion, or independently of the spiritual authority, may retard, may destroy civilization, but never can protect or advance it.

On the other hand, if we act on the admonition of our Lord, "Seek first the kingdom of God and his justice," we shall find all earthly goods, so far as goods they are, added unto us. Who loses heaven loses all; who gains heaven gains all, even for this world. A tithe of the time, thought, and energy wasted on politics, or to advance society through political action, devoted to seeking and extending the kingdom of God and his justice, would soon realize a paradise on earth. The truth is, we have too little confidence in God, too little faith in religion, are too cold in our charity, too little in earnest, too self-indulgent, too little disposed to follow our Lord in his humiliation, in his suffering, or to bear the cross with him; hence our spiritual leanness, our spiritual weakness and inefficiency. Hence, too, the necessity of persecution, though as we have said, woe to them who persecute. It is themselves, not we, they injure. They do us good; they renew our fervor, detach us from the world, send us to our only source of strength, of life, and energy, alike as individuals and nations, and for time and eternity. The Lord permits them in mercy.

# THE POLITICAL STATE OF THE COUNTRY.

[From Brownson's Quarterly Review for January, 1873.]

We are writing this article before the presidential election in November, though it will not be published till some time after that event. This is no disadvantage: 1. Because there can be little doubt that General Grant will be reëlected, and 2. Because this *Review* deals with principles and permanent interests, not with partisan politics, and can be little influenced by party successes or party defeats. As things now are, there is little to hope from the success or defeat of either party soliciting votes for its candidates.

We had no respect for Mr. Lincoln's administration, for it was based on no principle, and was a series of blunders from beginning to end. It succeeded, indeed, in suppressing what we held to be a rebellion, but which on its principles, as far as principles it had, was no rebellion at all; but it did it at a terrible and unnecessary waste of life, and by contracting an equally unnecessary public debt, which is a burden on the national industry, and will be for years to come. Mr. Johnson made an unhappy start, and talked much nonsense about rendering "treason odious," but afterwards took his stand on constitutional ground, and adopted a comparatively just and patriotic policy; only he lacked the temper and the wisdom to carry it out, and injured, more than he served, the people of the states that had seceded, by inducing the Republican party in congress, by way of opposition, to adopt measures of reconstruction of an extreme severity, which, perhaps, they had not at first contemplated. General Grant, whose views at first were wise and liberal towards the defeated confederates,—as was to be expected from a brave and successful soldier,—unhappily quarrelled with President Johnson, threw himself into the hands of the so-called radicals, and fell under the control of the Methodists, the most lawless, greedy, grasping, unprincipled, and fanatical of all the sects that curse the country. His administration has been upon the whole satisfactory to the men whom the war enriched, to mammoth moneyed and business corporations, and to stock and gold gamblers, but has done little to heal the wounds inflicted by the civil

war, and less still to elevate the moral tone of political parties.

The greatest injury done to the country, has been in the negro policy of congress and supported by the administration, and the instituting and sustaining by the federal forces of the infamous carpet-bagger and freed-negro governments in the states that seceded, and which have proved a greater calamity to those states than the civil war itself. The methodistic and puritanic policy of the North has been mean, hypocritical, short-sighted, and contemptible. We did hope the North would prove itself, after the surrender of the confederates, capable of being not only generous, but generous even generously. We have been sadly disappointed. We knew there was a strong abolition element in the North, and that abolition fanatics, and the scheming politicians who supported them, had provoked the rebellion; but we flattered ourselves that the northern people would be satisfied with the abolition of slavery, and the surrender of the confederate states to the Union. We repelled, as a calumny, the charge that the North was fighting against the southern people, or seeking to revolutionize southern society, as our writings in 1863 and 1864, whilst the war was still raging, can bear witness.

We were among the most earnest defenders of the war for the Union, but we defended it on legal and conservative, not on radical and revolutionary principles, and we hoped the war would have the effect of checking the growth and spread of that radical or centralized democracy in the country, of which the *New York Tribune* was and from the first has been the most prominent and the most reckless organ. Yet we had not then learned that radicals and revolutionists shrink from no inconsistency, and are incapable of learning from experience. The leading Republican members of either house of congress persuaded themselves, that, to prevent a renewal of the rebellion after its suppression, it would be necessary to disfranchise the prominent men of the South, and enfranchise the negroes. We must, said a prominent senator to the writer in February, 1864, banish twenty thousand at least of the southern leaders, and give the negroes votes: it is the only way in which we can make sure of the future loyalty of the southern states. An influential member of the house of representatives solicited us personally to support a bill, which he had submitted, or proposed to submit, to congress, cutting up the large landed estates of the

southern planters, and dividing them among the negroes, giving to each negro head of a family a farm of forty acres. We of course refused to defend such an agrarian and unstatesmanlike proposal, and opposed, with what little ability we had, the madness of attempting to introduce recently emancipated slaves on a footing of equality into our political society, men who have never had a domicile or a country, and who understand nothing of the duties of free citizens, or of the difference between loyalty and disloyalty. We never supported the war for the sake of the slaves, though we were among the first to demand emancipation as a war measure. We had never been an abolitionist, and do not believe that the slaves, as a body, have gained any thing, morally or physically, by emancipation. We did not support the war from hostility to the constitution of southern society: we supported it because we loved the Union, and believed it our duty to do what we could to preserve the integrity of its territory; we did it because we held the states had no right to separate from the nation, and because we did not believe the North and West could afford to lose the elements represented by the states that seceded.

Though a child of the North, and not blind to the faults of the South, we have always personally preferred southern to northern society. Its superiority was proved in the civil war, in which the South showed a unanimity, an energy, a hardihood, a spirit of endurance, and a power of sacrifice, that we found not in the North. The federals had as much military science and skill as the confederates, but their armies were less efficiently commanded and handled. The confederate armies were organized under their natural leaders, while it is the misfortune of the North to have no natural leaders, no natural aristocracy; or if it has them, it does not recognize them. A manufacturing and shopkeeping people appreciate only the talent that succeeds in the business world, —a talent of no account in military command or in statesmanship. We doubt if our republic could stand without the southern element; and hence we regard the policy that would destroy that element, and yankeeize or africanize the South, no less hostile to the Union and the stability of the republic, than secession itself. The policy of congress since the close of the war has been directed to that end, therefore to render nugatory the motives and hopes that induced us and, we doubt not, thousands of others, to support the war, and to count no sacrifices necessary to save the Union. We

therefore have had no reason to be satisfied with General Grant, and still less with the party in power. It has been and is a decidedly revolutionary party, and incapable of understanding that the states that seceded, if states in the Union, stand now on a footing of perfect equality with any of the states that did not secede; and that whatever tends to injure them, or to keep them in a state of pupilage, injures not them alone, but the whole Union, of which they are integral parts.

For ourselves, we utterly repudiate the whole negro policy of the government; we are glad for the sake of the whites that slavery is abolished, and therefore we make no war on the Thirteenth Amendment, but we repudiate the Fourteenth and Fifteenth Amendments. We may be forced to submit to them, but no force shall ever make us accept them, in our own convictions, as any part of the constitution. I had no organ of my own through which I could protest against the adoption by the Democratic party of what was called the "New Departure;" but my friends know that I told them at the outset, that it would discredit and ruin the party. It assimilated it too nearly to the Republican party, and left no good reason why it should keep up a distinct party organization. The Baltimore convention proved it by endorsing the nomination of Horace Greeley, for thirty years their bitterest enemy, and who did more than any other man to create the Republican party, and who is and always has been the representative man of the false or radical and centralized democracy that is ruining our republican government,—an ingrained revolutionist, if not a communist. His election would most likely have placed some Democrats in office, not their principles or their party in power, or enabled them to lift the government out of the radical ruts in which it has so long been running.

What we want now, in relation to the states that seceded, is a distinct and unequivocal recognition of them as states in the Union, the discontinuance of all efforts to keep them in subjection to northern adventurers, white or colored, scalawags and freedmen, and leave the real people of those states to manage, under their natural leaders, their own state affairs, without the interference of the general government. The southern people, though lately in rebellion, are to-day as loyal as the people of any other section of the Union, and really the least corrupt, the soundest, and the most conservative portion of the old American people. Left to them-

selves, they will deal in the best and most satisfactory way practicable with the negro population. The negro should have all his natural rights as a man respected and guarantied, but he must go through a long apprenticeship before he is able to govern himself, much less to govern others. There is no danger of his being remanded to slavery; his freedom is secure, as secure as that of the white race. It may be too late to reverse the policy that attempts to clothe him with political and social equality; but that policy was a gross mistake, and only the southern people themselves, who know the negro nature, and have fewer prejudices against negroes than have the people of the North, especially the people of New England, can mitigate the evil effects of the mistaken policy of congress, and carried out by the Grant administration,—a policy we strenuously opposed, even before the war had closed.

The incoming administration has plainly imposed on it the duty of reparation. It must repair, as far as possible, the evils that have grown out of the assumption that the government is to be administered in the interest of the colored men, and that white men have no rights it is bound to respect. This must be chiefly the work of congress, which will be opposed by two powerful classes, the fanatics and the capitalists, or the men who are able to make credit supply the place of capital, as is the case with the men who own the greater part of our various business corporations. These two classes are to some extent coincident, and both are equally dangerous to our federal system of government. The fanatics, not without the approval of Wall and Broad Streets, have dictated the negro policy, and the other class have dictated the financial and economical policy of both congress and the administration. It may be a question whether there is virtue enough left in the American people to sustain the government in any well-considered and effective measures to rescue the government from its subjection to the representatives of these two classes. The Puritan is ever a fanatic when not a hypocrite; and the Union Leagues, the Young Men's Christian Associations spread all over the country, the Evangelical Alliances, Christian Unions, and the "thousand and one" other associations, some open, some secret, but all animated by the puritanic or methodistic spirit, have gained almost the complete control of the American people, and rendered the fanatics for the present well-nigh masters of the situation. Congress is filled with the

factors of the great moneyed and business corporations; and the great railroad interests, combined with the manufacturing and banking interests, are not only stronger than the state governments, but stronger even than the general government. Nevertheless, it is the duty of the government to aim at the recovery of its independence, and to do all it can to prevent the evil from extending further.

The grand error of the general government, or of the people in relation to it, is in forgetting that it is created only for general, as distinguished from particular or private, interests, and that it is a government of express and limited powers, not a supreme national government with all the powers of government not expressly denied it by the constitution. It may impose taxes and lay imposts for revenue and to pay the national debts, but has no authority to impose a tariff for protection; for such a tariff is for the promotion of private and particular, not general, interests, and therefore does not come within the clause concerning the "*general* welfare." It has no authority to legislate for particular interests, on the subject of private rights, on religion or morality, on education, or to grant charters of incorporation to any private companies for any purpose whatever, that are to be operative beyond the District of Columbia. Indeed, nine-tenths of the business before congress since the war, is business which the general government has not and never has had any right to act on or to take cognizance of. All these matters are reserved to the several state governments, and, in regard to which, they are as absolutely independent of the general government as they would be if foreign states. The general government, which is clothed with only so much of the national sovereignty as relates to foreign powers, the national defence, and the *general* welfare, or rights and interests of all the states in common, has, under the control of the Republican party, acted as if it was clothed with the entire national sovereignty, or with all the functions of a supreme and only national government,—a practical nullification of the rights and powers, independent of it, held under the constitution by the several states.

Your so-called Republican, who is always a fanatic or wedded to the moneyed and business corporation interests of the country, usually both together, is incapable of understanding, or, if not of understanding, of respecting the division of the powers of government under our system between a general government and several state governments. Sover-

eignty with us vests in the several states united, and has its organ in the convention of all the states. The exercise of this sovereignty is divided by the convention between a general government and particular state governments. To the general government is given the charge of all matters that affect by their nature alike all the states in common; to the state governments, all particular and local matters, or which bear on the private relations of citizens and individual members of society. Both governments hold from the convention of states, or from the people organized as states, and neither from the people as unorganized individuals, or as an inorganic mass. The American political system knows no sovereignty of the people in this latter sense, or of the inorganic people, and, therefore, is no more democratic than it is aristocratic or monarchical; and the attempt to give it a democratic interpretation, is neither more nor less than an attempt to change its essential nature and character.

But this unique and original system of government suits neither fanatics, whether puritanic or humanitarian demagogues, nor the worshippers of Mammon; and the tendency of the Republican party, under the influence of such journals as the *Liberator*, formerly, the *Anti-slavery Standard*, the *Independent*, the *New York Tribune*, the *New York Herald*, has been to ignore this fact, and to pervert the American system into a vulgar democracy.

We do not know how the general government can undo the evils its fatal error, in usurping all the powers of government for itself, has generated; nor do we know how the republic, without a moral change in the people themselves, which no political or legislative action can effect, is to be saved. Things have gone so far that no human power seems adequate to amend or arrest them. But it will be of some service to comprehend our danger and its source. We have elsewhere* pointed out the only real and efficient remedy, but that is a remedy the government cannot apply. All that we can see that it can do is, to stop short, and absolutely refuse to go any further in the fatal direction it has hitherto taken. We trust it has power enough left to do so much, and doing so much, it must look to other influences to do the rest and save the republic. The government is off the constitutional track, and the classes that threw it off, will, it must be expected, do all they can to keep it off; but

* *The Papacy and the Republic*, Brownson's Works, Vol. XIII, p. 326.

if the people of the South are restored to their independence under their natural leaders before it is too late, they will be able to help us to get it back. We need their assistance, and if we are mad enough to reject it, there is, so far as we can see, no help for us in man.

We have no disposition to dissemble, that, in our judgment, the evils to be remedied come from the natural and inevitable developments of the democratic principle, against which the convention of 1787, that framed the federal constitution, aimed to guard the republic, but did not provide sufficient safeguards, especially in case of a people recognizing no divinely constituted spiritual authority capable of commanding their reverence, and disciplining them into submission to the law of God. We ask for no king, no kaiser, no titled aristocracy, but we do want the people to understand that they are nothing without leaders, and that the mass of them are born to follow, not to lead, and that nothing is worse for them than to be led by fanatics, hypocrites, traders, business men, and unscrupulous demagogues. Yet in a community like ours, under a pure or a representative democracy, such are sure to be our leaders, and equally sure to lead us to political destruction,—as all would see and admit if they were not blinded by their unfounded conviction, that a democratic government is the best of all possible governments; or if they had the courage to look the facts, daily occurring before their eyes, full in the face, and draw from them their strictly logical conclusions. Democracy is the best of all possible governments to make the many tax themselves for the benefit of the few, or to build up a burgher aristocracy, or, in our day, an aristocracy founded not on capital, but on paper, or the paper evidences of debt. The journalists tell us the country is rich, and we count our millionnaires by thousands, if not by hundreds of thousands; and yet, if called upon suddenly to pay its debts or to redeem its bonds of every sort, it would be found to be hopelessly insolvent, and the reputed wealth of the millionnaires would vanish in smoke. Our present wealth is chiefly in evidences of debt, that is, created by mortgages on the future.

There is no people in the world so heavily taxed as the American people, and none who derive so little benefit from the taxes they pay. Were it not so, should we see the vast, the appalling amount of poverty we do in our cities and large towns, the movements of the laboring classes for higher

wages, or hear the perpetual clamor for an adjustment of the relations of capital and labor? There is no country in the world where industry is more general, labor more intense, and the workingmen, in proportion to what they produce, are more poorly paid,—especially if we take into the account the additional expense imposed on the laboring classes by our miserable democratic doctrine of equality. Do our statesmen ever consider what it costs, and the terrible suffering it occasions, to maintain the doctrine, "I am as good as you"? The working men and women cannot, as a rule, escape the public opinion or the fashion of their country; and since by the democracy which asserts their equality, you elevate them, at least in their own estimation, in the social scale, you make it a moral necessity for them to maintain a higher or more expensive style of living, which demands in turn a higher rate of wages, and a rate beyond the ability of the average employer to pay. Hence, the most thriving class, if not the only thriving class, of simple laborers in the country, is composed of emigrants from countries where democracy, if it affects the dreams, has not yet formed the habits of the working classes, and has not yet taught the peasant to despise the state in which he was born, or to aspire to be the social equal of his lord. Consequently, they are less affected by the fashion, the tone, and sentiment of the country, and are contented with a more simple and less expensive style of living, and can live and thrive on a lower rate of wages. If it were not for the migration hither of foreign labor, our industry, our vast enterprises, and internal improvements would come to a standstill. But it is only the generation that migrates hither that are more economical, more frugal, and contented to live plainer; their children, born here and brought up under the democratic influences of the country, are as extravagant, as aspiring, and as averse to labor at a reasonable rate of wages, to say the least, as the children of old American families; and hence the children of foreign-born parents form an undue proportion of the dangerous classes of our cities and towns. The democratic tone and sentiment of the country, to a fearful extent, more than neutralize the influence of the example, instructions, and admonitions of their parents, who are regarded as old fogies or behind the age, by children hardly in their teens, or so-called "Young America."

Everybody sees the evil, complains of it, is inquiring for some "Morrison pill," as Carlyle would say, to cure it, but

hardly anybody has the courage to look for its cause in the democratic doctrine and sentiment of equality of the country, which creates a universal discontent on the one hand, with one's actual condition, and on the other, a universal striving or longing to rise in the social scale till one reaches the topmost round; for democratic equality cannot exist where one is higher than another, and nobody regards himself as his neighbor's equal unless his acknowledged superior. Satan never sent from his region of smoke and darkness a grosser delusion than this *ignis fatuus* of democratic equality, for which the nations of the Old World are so foolishly and wickedly struggling, as a means of elevating or ameliorating the condition of the poorer and more numerous classes. It is for the people the greatest curse that could befall them. What is just is equal, but what is equal is not always just. It is the reign of justice, not of equality, that modern society needs, and which governments and nations should seek to introduce and sustain.

A great objection in the minds of many who are not blind to the evil tendencies of democracy to our view is, that they see not how; if we reject democracy, we are to escape monarchy or an hereditary aristocracy, either of which is held to be worse than democracy. Without undertaking to decide which is the best or the worst form of government, we think there is another alternative, and that we can reject the doctrine of democratic equality, which is neither practicable nor desirable, without favoring either monarchy or a political hereditary aristocracy. We have no confidence in either. We opposed in 1851 the reëstablishment of the empire in France, and opposed Napoleon III., when to oppose him was to incur the displeasure of nearly the whole Catholic public at home and abroad. We have shown in our article on European Politics, how we regard the new-fangled German cæsarism, which we detest not less under a political than an ecclesiastical point of view. We have always held that every nation should have, subject only to the law of God, the government of itself.

But in every people there is the *pars sanior*, what Jefferson calls "the natural aristocracy" of the nation, and what we term the natural leaders of the people. The condemnation of the democratic doctrine of equality is, that it deprives these natural leaders of their legitimate position and influence, and gives the lead to the *pars insanior*. We have no quarrel with the political constitution of our country,

to which we have shown ourselves loyal when loyalty cost something. What we quarrel with, is the false and mischievous doctrine of democratic equality and popular sovereignty entertained by the great bulk of the American people, especially in the northern and western sections of the Union, and the efforts to make our government, whether the general government or the several state governments, follow the lead of that doctrine, and seek its realization. The constitution of the Union, *minus* those articles called the fourteenth and fifteenth amendments, is perfectly satisfactory to us; and what we ask of the administration and congress is, that they take as their law the constitution, not the opinions, sentiments, or tendencies of the people, or, in a word, to ignore the will of the people not expressed in and through the constitution, and which seeks to give to our political institutions a purely democratic interpretation, instead of a legal and conservative interpretation.

We know we are asking almost an impossibility, but we are asking only what is necessary to the good government of the people, or even to save the republic from utter political and moral ruin. It may be, and we have in the article already referred to shown, that it is impossible for the government without the assistance of a higher power, to arrest and roll back the democratic tide that threatens to overwhelm us, for it is controlled by the very influences that create the danger; but it can look the danger squarely in the face, see and comprehend the evil to be resisted and redressed, and exert what power it has to get back to the constitutional track from which it has been thrown. The people are, we grant, chiefly in fault, but the people, though corporations have not, have souls, reason, and free will, and may be influenced for good as well as for evil. They must be made to understand the nature and source of the danger that threatens them. Something may be done, for God helps those who are willing to be helped, feel their need of help, and seek it in him.

We have no confidence in the "Morrison pill," called "civil service reform;" but if your president is a man at all fit for his place, let him wield his immense patronage,—of which we should be sorry to see him in the slightest degree deprived,—independently in the interest of constitutional conservatism, regardless of the clamors of demagogues, partisans, and professional politicians. Competitive examination is an illusion, or something worse. What is wanted is, to remove all restraints on the appointing power not imposed

by the constitution, not the imposition of additional restrictions. The trouble now is and for some time has been, that usage has taken the executive patronage from the hands of the executive, and given it in each state to its congressional delegation. The president is practically deprived of all freedom and independence in his appointments. If you find a worthless fellow appointed to an important office, you may be sure some senator or representative of the administration party in congress from his state recommended and insisted on, we might say *demanded*, his appointment. The responsibility for appointments and removals should be left precisely where the constitution leaves it. The president, if left free to exercise his own judgment, will, for the honor and success of his administration, make the most suitable appointments in his power, and will remove from place no honest, faithful, capable, and efficient public servant, to make room for another no better, most likely not so good. The whole plan of civil service reform that has been proposed, is inept, impracticable, and worse than illusory, and shows that there is a great dearth of statesmanship among us at present. Restore to the president the free exercise of his constitutional powers, of which congressmen for their own interests or support have deprived him, and he will then be enabled, by wise and proper appointments throughout the Union, to thwart the mad schemes of sectarians and maudlin philanthropists, and to exert a salutary influence in recalling the people to constitutional and conservative views of government.

The Republicans in congress show the same dearth of statesmanship in regard to what is called "labor reform." That the relation between capital and labor, in an age when paper or debt serves as capital, is not well adjusted, there is no doubt; but your genuine Republican, where the question lies between white labor and capital, knows no remedy, but the maxim, "Let government take care of the capital, and capital will take care of the labor;" which means in plain English, "Let government take care of the wolf, and the wolf will take care of the lamb." Their statesmanship arrives at no wiser solution of the problem, than to shorten the hours of labor without diminishing wages to appease the workingmen or gain their votes, and then to tax the whole people through what is called a protective tariff, to compensate capital or to enhance its profits. It forgets that its two measures neutralize each other, so far at least as the interests

of labor are concerned. A rise in the rate of wages means a rise in all the commodities the laboring classes consume, which must be paid by the working classes, for they are the greatest consumers of their own wares. We do not adopt the free-trade policy as a policy for all nations, and for all times, and under all circumstances; but we cannot respect very highly the policy that lays a heavy duty on imported woollens for the benefit of the home manufacturer, and a corresponding duty on imported wool to encourage the wool-grower. It is simply a policy that gives with the one hand and takes away with the other, with no other effect than an increased tax on consumption, from which the laboring classes, as the greatest consumers, are the principal sufferers.

It is of no use to speak of the blundering financial policy of the administration and congress during the war; it is sufficient to say that the people paid the government during the war, if it had been properly distributed throughout the four years the war continued, enough to meet all its necessary and real expenses, and to leave the nation at its close without a cent of debt incurred on its account. Yet the government contrived to contract a debt of about three thousand millions of dollars, at the least, which went to enrich the few, which labor and land must pay, and which, we trust, will be paid to the last cent. Unhappily, we had not a man in congress or in the administration, who had mastered the first elements of finance. The government seems to have, during those dark days, relied for its financial policy on Jay Cooke & Co., and other Philadelphia financiers, who hold that "a national debt is a national blessing." The miserable policy of the government ruined our navigation and shipping interests, and compelled and compels the greater part of our ocean commerce to be carried on in foreign bottoms, and has built up large banking and railroad corporations which it is impotent to control, and of which it is little else than the agent. How it is to recover by any human means its independence, and remedy the evils from which all the higher interests of the country suffer, I am sure I do not know. The first duty, however, of the government undoubtedly is, to contract no more debts, to vote away to corporations no more of the national domain, to grant no more subsidies to business corporations, to impose no duties to swell the profits of iron, steel, coal, or any other interests, amply able to protect themselves, and to reduce the taxes to the lowest point practicable with the raising of revenue sufficient to pay the in-

terest on the public debt, and to provide for the most rigidly economical administration of the government, and the maintenance of the army and navy, both of which are far below what is really necessary, and leave paying off the principal of the public debt to a more favorable opportunity.

The government, if permitted by its masters,—the bankers, stock-jobbers, money-holders, railroad and other corporations,—should lose no time in returning to specie payments, and in repealing the law making paper a legal tender, but leaving every creditor free to take it or not at his own option in discharge of his debts. It is too late to think of having an exclusively metallic currency, but it is not too soon to put a stop to the forced circulation of an irredeemable paper currency. The issue of legal tender notes by the government was a mistake from the beginning, and was never a necessity. If the government had had any financial capacity, though not greater than its military capacity, it never would have begun by requiring the banks to pay its earlier loans in gold and forced them to suspend specie payments. No doubt the immediate resumption of specie payments would cause some disturbance in business relations, and some mercantile losses; but it is hard to believe that it would cause more disturbance, or greater losses or embarrassments to business, than are now caused by the frequent locking up of currency, by "gold corners," and the gambling operations of the "bulls and bears" in Wall Street. The law should also be so modified as to allow the revenue on customs to be collected in the notes of solvent and specie-paying banks, or in treasury notes. The government will always be able to draw from the banks, without crippling them, all the coin needed to pay the interest on the public debt, as it accrues; and for other purposes it can use convertible currency notes. The secretary of the treasury need not expect, as long as legal tender notes are retained, to bring the premium on gold below ten or twelve per cent., which is about its present average rate, when not artificially elevated or depressed. The good effects on industry, on the trading and labor interests, would very soon appear.

We regard agriculture and commerce as the great and leading interests of the country, as manufactures and commerce are of Great Britain; and we think it has been a mistake to attempt by aid of the government to force it to become a great manufacturing country. We are not precisely what is called a free-trader, though not a protectionist. In the

infancy of manufacturing industry, we do not object to granting it for a brief time subsidies by the state governments, but, on constitutional grounds, we do object to their being granted by the general government; but when any branch of manufacturing industry is able to sustain itself, all state subsidies should be withdrawn. The nonsense babbled by the manufacturers of being unable to compete with the pauper labor of Europe, need not be listened to for a moment. There is no pauper labor of Europe employed in any branch of manufacturing industry. The item of labor costs the English cotton-spinner, woollen-spinner, or ironmonger, about the same that it does the American, while several other important items cost him more. We remember when Abbott Lawrence exported a parcel of cotton goods to England, and, though as member of congress clamoring for a high protective tariff, boasted that he could undersell the English in their own market. We have not a single manufacture that could not live and thrive without government aid; the profit might be less, but still fair enough, and greater on the average than that of agriculture, if not of commerce.

Thus far had we written before the presidential election was held, and its results known. As we expected General Grant has been reëlected by an almost unprecedented majority, and his party are continued in power. The result of the election has verified the old proverb: *Quem Deus vult perdere, prius dementat.* Mr. Greeley and his so-called liberal Republicans were a dead weight on the Democratic party, and probably have effectually destroyed it, as it was easy to foresee they would. The Democratic party abandoned its principles when it accepted Mr. Greeley as its candidate for the presidency, with whom it had and could have no affinity. Only a portion of the party could be induced to vote for so unacceptable a candidate; not a few, in disgust at the bad management of their leaders, cast their votes for the opposing candidate, and many more stayed at home, and would not vote at all. The coalition was a decided failure, and the Democratic party running a candidate of its own,—say Hendricks of Indiana, or General Hancock of the army, or any other prominent Democrat always identified with the party,—would have polled a far heavier vote than was polled for Mr. Greeley. The result shows that it is madness for a great party to hope for success by abandoning or compromising its principles It is doubtful at this

moment, if the Democratic party will ever be able to rally again as a national party.

The only comfort we see in the late election is the proof afforded that the negro vote can be divided, and that in all the states, except the Carolinas and Mississippi, the white vote, if not repressed by federal legislation and federal arms, will be able to render the negro franchise comparatively harmless. The defeat of Mr. Greeley personally, who never should have been the candidate of the opposition, is no cause for regret, since as between him and General Grant he could not be preferred; but the success of the Republican party is to be regretted. The fanatics and the money-changers have triumphed in the election, and there is little room to hope that the policy of the government will be changed for the better. Congress is filled with the representatives of the money power, and of the several fanaticisms that curse the country. We are told that General Grant, assured of his reëlection, will assert his independence, and no longer suffer the Methodists to run the administration; but we doubt his ability to do it. He cannot emancipate himself from the influences that have reëlected him, and nothing is left for us but to pray, "God save the commonwealth."

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# AT HOME AND ABROAD.

[From Brownson's Quarterly Review for October, 1873.]

A portion of the American press has sounded a note of alarm at the approaching danger, in our country, of cæsarism, as indicated by the movement already begun to elect General Grant to the presidency for a third term. We are no special admirers of General Grant, either personally or as president of the United States, but we know no reason why the people should not elect him for a third term if they choose. He is as eligible under the constitution for a third term as he was for a second term, and would be only the better qualified by experience. He represents the anti-Catholic or Methodist feeling and the great moneyed and business interests of the country; and as this feeling and these interests govern the government, and will, let what

party will be in place, it is a matter of no great public importance who is president. It may as well be Ulysses S. Grant as any one else.

But the danger of cæsarism, not from General Grant, but from the tendency of opinion among the American people is, no doubt, very great. It does not need a king or an emperor, hereditary or elective, to constitute cæsarism. The essence of cæsarism is not necessarily in the "one man power," as so many foolishly imagine, but in the absolute supremacy of the state or civil authority. Cæsar was held by the Roman constitution to be at once imperator, pontifex maximus, and divus, or a god, and was addressed, even after the conversion of the empire, as "Divinitas Vestra" and "Eternitas Vestra." He was held to be divine, subject to no law, to no superior power, or, in a word, to be the living law, and hence the dictum of the Roman jurist: *Quod placuit principi, habet legis vigorem.* Christians were sent to the lions (*Christianos ad leones*) because they refused to burn incense to the statues of the emperors.

Cæsar also represented the majesty of the republic, or Rome, which the pagans deified and worshipped as a goddess. Cæsarism is not, therefore, restricted to the personal supremacy of the emperor, but implies that of the state whose majesty is officially embodied in the imperator. Taking the term cæsarism in its original application, and in *its essential* principle, it is as capable of existing in a republic or a democracy as in an imperial or a royal monarchy. Wherever the state is held to be supreme, without any superior in heaven or on earth, and therefore bound by no law and free to do whatever it pleases, there is cæsarism, unmitigated cæsarism as ever existed in pagan Rome. Switzerland, at least in several of the cantons or states composing the confederation, is no less infected with cæsarism than Prussia. Greek and Russian schismatics are pure cæsarists; the republicans and radicals of Spain and France are cæsarists, as are all genuine Anglicans. Indeed the Protestant reformation was made in the interests of cæsarism, and genuine Protestants are, in principle, cæsarists, when not anarchists.

The mass of the Protestant American people are becoming downright cæsarists. The people, it is said, govern; but who governs the people? Who declares for them the law, defines their power, and says to them: "Thus far and no further"? The constitution? Nonsense. The people

make the constitution, and can unmake it at will. The maker cannot be bound by the thing he makes. Where no power above the people, whose law they collectively as well as individually are bound to obey, is recognized, cæsarism is already established. We, as a people, recognize a power above the king, the emperor, and the nobility, but no power, unless in a vague abstract sense, above the people. What the people will is law, and their will is the measure of moral as well as civil right. We make the people Cæsar, and hold them to be emperor, pontiff, and God. The people can do no wrong.

We agree with the *New York Herald* that there is danger of cæsarism, but not from the quarter it supposes. The danger comes from forgetfulness of the divine sovereignty, and the deification of humanity; from losing sight of the supremacy of the spiritual order, and setting our affections on things of the earth, and living only for the perishable goods of time. We identify the progress of civilization with material progress, the application of machinery to the productive arts, the multiplication of railroads, lightning telegraphs, and unscrupulous journalism. The *New York Herald* and "Harper's Weekly" are powerful engines of cæsarism; and, consciously or unconsciously, are hard at work, each after its own fashion, not ineffectually, to fasten it on the country. No political combinations or action can prevent or retard its progress. And hence we take no interest in the movements of political parties, and see nothing, at least nothing good, to hope from them. At home there is nothing encouraging but the steady progress of the church, recalling the divine sovereignty, and leading back the people to the great truth, that they who abandon the divine order must inevitably perish. The soul is more than the body, and God is greater than man.

Abroad we discern at this date (Aug. 15) some indications that a reaction in favor of religion and conservatism is on the point of commencing, if it has not commenced, though things in Germany, Switzerland, and Italy, apparently remain *in statu quo*. It is probable that Prince von Bismarck has culminated, but we see no decided evidence that his policy is likely to be abandoned. The Evangelical party has acquiesced in his ecclesiastical legislation, and shown itself willing to aid him in the war against God he inaugurated. The Prussian and German bishops, however, remain firm, and show no symptom of giving way before the state persecu-

tion to which they are subjected. Italy, we are told, is still at heart thoroughly Catholic; but if so, it takes a queer way of showing it, by electing a parliament of infidels or political atheists. We cannot understand how, in a country where Catholics have votes, and are a decided majority of the electoral people, they can consent to be governed by a handful of sacrilegious robbers, who neither fear God nor regard man, who hold nothing sacred, and who oppress the people and outrage the rights of God. There are, no doubt, sincere, earnest, intelligent, and devout Catholics in Italy, but as long as Italy despoils and imprisons the pope, confiscates the goods of the church, makes war on religion, and suppresses all monastic institutions, and seeks by her legislation to exclude the spiritual or divine order from human society, we cannot believe that she is at heart Catholic. That faith and zeal are reviving among the Italians may be very true, but the present state of things in the Italian peninsula is a scandal, and makes a decent Catholic half ashamed to show his face. We are ashamed of these Italian Catholics, who can do nothing to defend their religion but bewail or denounce the wickedness of men. Whose fault is it that the wicked bear rule?

Several Swiss cantons continue to follow the lead of Geneva in the persecution of Catholics. The canton, though not the city of Geneva, is nearly equally divided between Catholics and non-Catholics, Catholics being slightly in the majority; but the government, as a matter of course, is in the hands of non-Catholics, who use it to persecute the church and her faithful pastors. Here, as in Italy, we have to blush for the political imbecility of Catholics, in whatever relates to the interests of their religion. Yet it is neither here nor anywhere else their religion that renders them imbecile, but the liberalism they have imbibed from non-Catholics, and which is essentially antagonistic to religion. There is no antagonism between liberty and Catholicity, as we have shown over and over again, but between modern liberalism, another name for cæsarism, and Catholicity, there is all the antagonism that there is between God and Mammon, Christ and Belial, the flesh and the spirit. Catholicity makes God and heaven, the interests of eternity, supreme: liberalism makes this world and its interests supreme, not knowing or not believing that the goods even of this world can be secured only by turning one's back on them, and living for God and heaven according to

the divine order. It is the liberalism which has penetrated the Catholic camp that renders Catholics throughout Europe so imbecile in the defence of the rights and interests of their religion, and enables the enemies of God and society to usurp the government of once Catholic nations. Catholics have forgotten that it profiteth a man nothing, if he gain the whole world and lose his own soul. It is accursed liberalism, so seductive in its tones, so sweet to the taste, yet so fatal in its effects on the system, that has brought the Catholic population of Europe into their present deplorable condition, persecuted the church, confiscated her goods, and despoiled and imprisoned her supreme pontiff. It is all the work of liberal Catholics, without whom Protestants and infidels would be reduced to impotency, and become the laughing-stock of the world.

A slight reaction against this destructive liberalism has commenced in France, as shown in the displacement of M. Thiers from the presidency of the republic, and the substitution of Marshal MacMahon, who is at least an honest man, incapable of any trickery, and able enough to see that French society cannot stand unless supported by the church, and that the church even can do nothing to support it, unless left free and independent. His ministry is a great improvement on any that has preceded it, since the fall of the empire. The leading member of it is, we presume, the Duc de Broglie; a convert to Catholicity from Protestantism. He is one of the ablest writers of contemporary France, a learned and gifted man, a Catholic indeed, but was formerly at least tinctured more or less with liberalism, and, if we may believe Dom Guéranger, with rationalism. Yet, if not as thorough-going a papist as we could wish, and more ready to postpone the interests of the church to his views of state policy, than the highest order of statesmanship demands, he has, we may be sure, no sympathy with the radicals, and will stand firm against the anti-Catholic and anti-social policy of the Left. His predilections, we presume, are for a constitutional monarchy modelled after the English constitution, as was the case with the late illustrious Count de Montalembert; but which, with all deference, we think a wholly impracticable government in France, which has worn out the principles of '89. A conservative republic we think less impracticable in France than a constitutional monarchy of the English type.

The indications are now that an attempt will be made

soon, perhaps before we issue from the press, to reëstablish the traditional monarchy, with constitutional limitations, in the person of Count de Chambord, the legitimate heir of the French throne, as king—a movement, if successful, we shall regard with great joy, if made in behalf of the principle of legitimacy and the non-recognition of the principles of '89. France is monarchical, and we should gladly see her firmly established under a monarchy that has a support in her national traditions. We have as much confidence in the Count de Chambord as we can have in any Bourbon. He is personally, we have no doubt, a good Catholic, but we have no great confidence in the Catholicity of any Bourbon prince or king. The traditions of the family are any thing but reassuring. From Henry IV. to Charles X. in France, Spain, Naples, and wherever the Bourbons have been the reigning family, they have been the enemies of the freedom and independence of the church, and have sought to use rather than to serve her. The only exception we can recall, is that of the noble ex-queen of Spain, the much-calumniated Isabella II. Perhaps Henry V. may prove another exception; but as France is far from being thoroughly Catholic, and as nearly all prominent French statesmen place the state before the church, we have our doubts, especially when coupled with the natural tendency of French prelates to play the rôle of French courtiers, as was proved in 1851, when nearly all of them favored the reëstablishment of the Napoleonic empire, under a chief known to be hostile to the rights of the pontiff as sovereign of Rome, and to the independence of the church.

Yet, there is much to hope from the manifest revival of Catholicity in France. The effect of both the first and third Napoleon was the material aggrandizement of France, and to maintain order among the French by engrossing them with the pursuit of their material interests. Under their influence, the mind, the soul of France was materialized; and it needed the disasters of the war with Prussia—disasters more than trebled by the miserable government of defence improvised September 4, 1870, of which Jules Favre and the long-tongued Gambetta were the leading members—and the frightful insurrection against the national assembly, of the communards of Paris,—to bring her back to serious reflection and awaken her spiritual nature from its long slumber. Though France is not yet thoroughly Catholic, Catholicity has a stronger hold on her mind and heart than it

has had before for a century and a half. Public opinion is setting towards the church, in which alone, it is now widely felt, is there safety either for the soul or for society. In this public opinion, which, we think, is pretty sure to grow stronger day by day, we see the condition of a solid and durable political organization, whatever the form of government adopted, whether monarchical or republican, royal or imperial. No government can henceforth stand in France that is not frankly and loyally Catholic. No coquetting with radicals and communards will henceforth be tolerated. That ended with M. Thiers.

In Spain, the Carlists are evidently gaining ground, and there seems to be really some prospect, if Prussia does not intervene in favor of a Hohenzollern, that Don Carlos may actually become king of Spain. For ourselves, we are not quite clear as to his right as heir of the Spanish throne, and we incline to favor the claims of the young Prince of Asturias, the son of the ex-Queen Isabella, who lost her throne for her devotion to the Holy Father, and for her too great kindness of heart, and lenity to such men as Prim, Serrano, and Topete. But this is a question we do not choose to discuss. The success of Don Carlos would be a great advantage to Spain, as it would reëstablish order, and place real Catholics in power. He is a Bourbon, and is seeking his own interest rather than that of the church; but as he must rely on the Catholic party and the church for his success, it is likely that he will, if he succeeds, maintain the church in his dominions, in her rights, her freedom, and her independence. If we could place any confidence in the report of an interview of a correspondent of the *New York Herald* with him, we should doubt this, for that reported interview presents him as a Gallican or liberal Catholic, not as a loyal son of the church; but we regard the interview as apocryphal, and the representations of the correspondent as worthy of no reliance. Yet Don Carlos is a Bourbon.

The Catholics of Germany and Switzerland show a noble spirit, and meet the persecutions of their respective governments with an unbroken and undaunted front. The reorganization of France and Spain as Catholic monarchies will give a new impetus to the Catholic reaction throughout the world. But, as we have before said, we identify Catholic interests with the success of no individual or political party. No political combinations or revolutions, that are not the natural results of revived faith and zeal in the mass of the

people, will restore the temporal splendor of the papacy or reëstablish Christendom on a permanent basis. The nations have relapsed into paganism, and must be reconverted. The revival of faith in France, Italy, and Spain, as manifested by the numerous pilgrimages to sacred shrines, is an encouraging sign, for our sole help is in God, and in the intercession of his holy mother and of the saints in glory. But there has been a grave defect in the education given heretofore to the Catholic people in all Catholic schools, colleges, and universities, which it will be necessary to remedy. We do not mean to revive the controversy respecting the use of the heathen classics in Christian schools, though we strongly object to their use, unless accompanied by much fuller Christian instruction than is usually given, except to those intended for the ecclesiastical state. We find among the laity in all old Catholic nations excellent classical scholars, perfectly familiar with all the external forms and practices of their religion, very pious and devout, it may be, but totally ignorant of its principles. Chateaubriand and Lamartine were striking examples of the ignorance of Catholic principle, to be remarked in highly educated and richly gifted Catholic laymen. In our own country we find graduates from our best colleges, who are profoundly ignorant of the real sense of the catechism which they have conned, and perhaps know by heart. It is the lack of due instruction in the principles of their religion, or rather, of an education based on those principles and therefore of an education primarily Catholic, that has suffered Catholic nations to fall back into Greek and Roman paganism. The leaders in the modern apostasy have in all cases, we are sorry to say, been educated in the church and trained in Catholic schools; and many of them were noted for piety in their youth. Does not this sufficiently prove the defect of the system of education hitherto adopted and pursued, and that it is not primarily and thoroughly Catholic?

Take Paris for an example, long the hotbed of the wildest and most visionary, as well as of the most destructive theories; yet, notwithstanding the scandal of the commune in 1871, which for a time threatened the very existence of French society, in a census of religions in 1872, out of an aggregate population of about 1,800,000, over 1,700,000 registered themselves as Catholics! The great body of the communards must have been baptized as Catholics. What sort of education in their religion could they have received?

Christianity treats man as an individual, whose chief concern is the salvation of his own soul; but it treats him also as a member of society, having social relations and duties. These social duties growing out of his social relations, are integral in his duty to God as a man, and their right performance according to his state and ability is as essential to his salvation as his personal purity and virtue in private life. So much is unquestionable. Failure in the performance of one's domestic and social or public duties, excludes from heaven as certainly as does unbelief or private vice.

Now, it seems to us that the education hitherto given has been too much restricted to instruction in the private and domestic virtues, and has left the mass of the people insufficiently instructed in their social or public duties, or, as to the relations of Christian ethics to the state and society. The laity, even graduates of our colleges, know very little of these relations, and are left in regard to them without any certain guidance, and with the impression that their religion has nothing to say to them, and lays down no law respecting them, beyond that of being personally sincere and honest in what they do. Hence we find running through the whole history of Christendom, principles and theories embraced and acted on by princes, politicians, courtiers, and demagogues, all professing to be Catholics; and which are really pagan and antichristian in their character: whence has so often arisen the conflict of the two powers, and also the socialistic and communistic movements of contemporary society. A reaction against these movements has already commenced; but to secure its fruits, it will be necessary to supply the educational defect we have indicated. The school must recognize Christian society, under and distinct from the church, as well as the church herself. It must not leave the student to be a pagan in relation to society, but must train him to understand and to act well his part as a member of *Christian* society, or of the Christian commonwealth founded by the church, and inspired and directed by her life-giving spirit.

This is the meaning, the significance of our bishops, in their movement for separate Catholic schools—a wise and noble movement; but it may be doubted if, as yet, our so-called Catholic schools correspond to their wishes or their hopes. In relation to the Christian commonwealth or society, their pupils do not differ appreciably from those educated in the public or common schools of the country; nor

will they, so long as the Catholic community accept and act on the maxim that one's religion has nothing to do with one's politics, that is, that society is pagan, not Christian: which implies that very separation of church and state the syllabus condemns. Catholics, we trust, seeing the sad effects of that maxim in Italy, France, and Spain, will ere long abandon it as untenable, and learn that their religion extends to every department of life, and requires them in every department to act on Catholic principles. When they do, our schools of every grade will become thoroughly Catholic, and leave no margin for paganism. Education will then become a safeguard against infidelity and socialism.

We take, for ourselves, little interest in politics at home or abroad, any further than they bear on Catholic interests. But as the republican movement in Europe is, as a matter of fact, revolutionary and anti-Catholic, we cannot see with indifference its success, and, without any monarchical sympathies ourselves, we rejoice at the prospect of its universal failure. Yet we do not see in the restoration of monarchy in France and Spain, in itself considered, any permanent guaranty of Catholic interests. Monarchy in Italy, and imperialism in Germany, are as hostile to the rights of the church, which are the rights of God, as democracy is in France or Spain. The democratic or republican form of government, where the people are Catholic, thoroughly Catholic, is unobjectionable, and monarchy, where the people are not Catholic, cannot be a good government. Corrupt as our politicians and no small portion of our people certainly are, we know no actually existing government on earth for which we would exchange our own. Monarchy would redress no existing evils among us, and would introduce a new class of evils from which we are happily now free. The church would gain nothing in her freedom and independence, but would lose much by the introduction of monarchy, and Catholics would be the last to favor it.

The republic here was founded, not by Catholics, but was founded on catholic principles, and only needs a Christian people to be a truly Christian commonwealth, governing temporal matters in subordination to the spiritual nature and destiny of man. But in Europe republicanism is pagan, the revival of the Græco-Roman republic, and the cæsarism in which it necessarily terminated. In the world's history it is an anachronism, and marks a retrograde movement—a movement from Christian light and freedom towards the

darkness and despotism of barbarism. It betrays great ignorance and misjudgment on the part of the American people, to suppose that they are required by their own principles to sympathize with it wherever they see it break out. They would do much better to take care that paganism does not become predominant in our own republic.

We cannot read the future, except in the light of the past, but we know that the church has always been and always will be in this world the church militant. Yet we think she will soon find a respite from her present afflictions. The Catholic populations have received no severer chastisement than they have deserved for their forgetfulness of God and devotion to the world; but we see them everywhere humbling themselves under the rod, confessing their delinquencies, turning their hearts once more to God, and begging him to have mercy on them and deliver them from the hands of the spoiler. The whole church is on her knees praying her divine Spouse to put forth his hand and liberate his vicar, and save society. These humiliations, pilgrimages, and prayers must prove effectual. The Lord will hear the prayers of his church on earth, and the intercession of the church triumphant in heaven. On these prayers and intercessions we count, not on political combinations and action; though God may make use of them in answer to the prayers of the church and the intercession of his saints. He may break the power and humble the pride of Prussia, and make the Count de Chambord the instrument of restoring order with liberty in France, and Don Carlos his instrument for crushing the godless revolution in glorious old Spain; but our reliance must be on him and our own unreserved submission to his will. His judgments are just and merciful.

# THE POLITICAL OUTLOOK.

[From Brownson's Quarterly Review for January, 1874.]

NEITHER this *Review* nor its editor is wedded to any political party. We aim to be loyal, and always support the government when we can do so with a clear conscience, and hold that a factious or simply partisan opposition to an administration, whether of the Union or of our particular state, is incompatible with the duty of a good citizen. We hold it the duty of the citizen to support in good faith the government which Providence has established for his country, for it is always the best form of government for it, whether the best for all countries or not. Providence has established for the United States and their territories the federal republican form of government, and that for us is the only legitimate form, and he is wanting in fidelity to it, and is a disloyal citizen, who seeks, on the one hand, to convert it into a monarchy, or on the other, to convert it into a consolidated or centralized democracy—what we call democratic cæsarism—in our judgment the worst possible form of cæsarism. In 1864, we voted for the reëlection of Abraham Lincoln as the least of two evils, and, as it seemed to us, necessary to bring the civil war to a successful issue and to save the Union; in 1868, we voted for General Grant, for we had more confidence in a military man for president than in a civilian or *nisi prius* lawyer. We did not vote for his reelection in 1872; for we had found in him neither the soldier nor the civilian, and because the party supporting him were not only fearfully corrupt, but were manifestly consolidationists, and therefore disloyal to the American constitution, and, as we could not, without abandoning all self-respect, vote for the opposing candidate, we did not vote at all, and have voted in no election since.

But we see in the recent elections some symptoms, faint indeed, of a change for the better. The people are evidently losing confidence in the administration, and, what is more to the purpose, in the so-called Republican party, which inherits the worst features of both the old Democrat and Whig parties, with those of the Native American and Know-nothing parties in addition. We see not how any

Catholic or honest and intelligent man can support, or do otherwise than oppose it by all the lawful means in his power. The aim of the party since the war, and perhaps of its leaders before it, has been to use the government for the promotion of the private interests of speculators and the moneyed and business classes, and, through the negroes and unprincipled northern adventurers, to yankeeize the South, and make it tributary to the monopolists. It is beginning now to fail in both aims. The huge credit-bubble, in a time of profound peace and plentiful crops, has burst, and panic and wide-spread ruin have followed. In all the recent state elections, unless Pennsylvania be an exception, the party has evidently met with fearful losses. In some states where it held the power, as in New York and Ohio, it has met an inglorious defeat, and in those in which it retains the power it is by greatly reduced majorities, as we see in Massachusetts, New Jersey, and the northwestern states. Virginia has asserted her independence, and indicates the course that will soon be followed by every state that seceded, and the real people of each of those states, the *pars sanior*, will control its administration. Even President Grant will hardly venture to repeat the scandalous federal interference in state affairs which he authorized in Louisiana. The forced enthusiasm for the negro is dying out.

The opposition victories, coming so soon after the presidential election, would in ordinary times, be little on which to build any hopes for the future, for such victories are nothing unusual; but no one can deny that there is a wide-spread distrust, among the people throughout the Union, of the capacity of the administration and of the purity and integrity of the Republican party leaders. Undeniably the financial policy of the administration and of a Republican congress has broken down; the revenues of the government are insufficient to meet its ordinary expenses, and it is supporting itself by forced loans in the shape of an additional issue of legal tenders. The president and his secretary of the treasury are both profoundly ignorant of the first principles of public finance, as they are of real statesmanship, and as are nearly all our bankers and business men. Yet the people very justly blame the administration less than they do congress. We know not, indeed, what better, after all, was to be expected of congress, made up as it is of bankers, manufacturers, railroad corporators, third-rate lawyers, with a sprinkling of flashy newspaper editors. Formerly, when

the southern people were represented, we had men in congress of independent character, who made of statesmanship a scientific study. But for the Calhouns, the Poindexters, the Lewises, the Pickenses, the Rhetts, you have now negroes or mulattoes, and carpet-baggers. We have now no class of men who make a study of the science of government and the art of statesmanship; we have only men versed in the arts and trickeries of the politician, or men who think only of advancing their private interests, even though called Christian statesmen, like Senator Pomeroy, Parson Harlan, or the ex-Vice-President Colfax. What is to be expected of men who are immersed in business, and intent only on making their fortunes? If there are men in the country who have really studied the science of government and mastered the mysteries of finance, they are unknown to the corner grocerymen and publicans, and could not be elected even to the lowest office in the gift of the people, were they candidates. It is a prevailing opinion that a majority of votes can supply any lack of brains or defect of moral character.

The present crash in Wall street, which has shaken some of our heaviest and most firmly-seated industrial and mercantile houses and caused so much suffering among nearly all classes of the community, is only the natural and inevitable result of our inflated credit system, which encourages wild and reckless speculations, and renders useless any foresight or calculation on the part of business men. Take the case of that old-established house of A. & W. Sprague & Co., of Providence, R. I. With eight millions of assets over and above its liabilities, the house has been obliged to ask an extension of credit from its creditors. The Spragues may have extended their business too far, yet they were no wild or rash speculators, but honest, intelligent, and thorough business men, carrying on their various and extensive operations with rare prudence and circumspection. It was impossible for them, with ample means and doing a profitable business, to foresee danger, or to anticipate financial trouble. The evil lies in the credit system, that makes of debt capital, and invests the wealth of the country in paper obligations, whose value is continually fluctuating, and varying ten, twenty, fifty per cent. or more from day to day. The shrinkage in values by the late crash, we are ourselves not sufficiently informed to say, but we may judge that it is very great, when, as it was judged in the case of the Spragues,

twenty-two millions of assets would not more than suffice to meet fourteen millions of liabilities. This indicates a shrinkage in values of about one-third, which is probably not more than it is.

The fact is, we have no standard of value, and values are continually fluctuating, so that a man counted rich to-day may find himself poor and in debt to-morrow. The laws of this fluctuation baffle all calculation, for it depends on causes as various as itself. It may be a rise or a fall in the markets of Shanghai or Canton, a mutiny or a famine in India, a petty war in Africa, a revolution in France, Spain, Italy, or Germany, an unprofitable railroad speculation, the failure of a mismanaged bank, or of a trust company with a defaulting cashier that has extended its loans too far, or locked up its means in unavailable and really worthless assets. The recent crash was chiefly due to the attempt to build railroads on credit where not needed, and beyond the present ability of the country to sustain, and if the consequences could be confined to the bankers and brokers, like Jay Cooke & Co., who undertook them for the sake of speculating in their stock, and getting possession of the enormous land grants so unwisely made by congress for their construction, no great harm would follow, but such is the solidarity of all classes of the community created by the credit system, that the innocent suffer as well as the guilty, and even more than the guilty. We foresaw the crash coming, and our wonder is that it did not come even sooner, and bring with it a far greater ruin than it as yet appears to have done.

The various remedies suggested, whether by the president or by prominent merchants, traders, and bankers, are puerile, and not even palliatives. There is no remedy for a gangrenous limb, or safety for the patient, but in amputation, and not always even in that. The essence of the present system is in using debt as capital. Under it no debts are ever really paid; there is only a transfer of the debt, and all debts are mortgages on the future. A debt discharged in bank-notes becomes a debt against the bank; in greenbacks, it becomes a debt against the government, but in neither case is there any liquidation of the indebtedness. If the government credit fail—and a revolution, or gross mismanagement may cause it to fail—somebody must lose; if the bank fail—and fail it must if it overdoes its business, if its debtors fail, if it lock up its means in unavailable or

worthless assets, if there is a considerable shrinkage in their market value, or if its officers are speculators, stock-gamblers, swindlers, or defaulters—its creditors necessarily lose. The bank depends on its debtors for its ability to pay its own debts, and the government would bankrupt the whole people were it to attempt to liquidate at once its entire indebtedness. It is more than it now is able to do, to meet its ordinary expenses and pay the interest on the public debt. For remedy, say some, create more banks, repeal all restrictions on their circulation, and relieve them of obligations to keep a reserve on hand. Authorize free banking, or banking by anybody that pleases, say others. Let the government issue more greenbacks or treasury notes, say others still; that is, remedy the evil by increasing it, or inflating still more our overinflated credit!

The fact is, we have been attempting to be a great business community as distinguished from an agricultural community, and have subjected agriculture itself to the laws of commerce and manufactures. We have attempted to do more business than the country required, or its capital and labor could sustain. We have been in too great a hurry, and wished to plant and reap the same day. We have been carrying out vast schemes of internal improvements, which exceed our means; and we are crippled with debt. We have operated on borrowed capital, which we have received in the shape of perishable merchandise, and which we have consumed, leaving the original loan uncancelled. These loans, being paid chiefly in goods imported, have greatly stimulated the extravagance of the people, and introduced a love of show and the habit of living beyond their income, while they are left to pay for the internal improvements, as far as paid for at all, out of their own pockets, and still taxed in one form or another to pay the interest constantly accruing to the foreign creditor, or the domestic creditor to whom the claim has been transferred. This tax for interest on debt and to support the extravagance generated by our foreign loans received for the most part in the shape of perishable merchandise, is too heavy for our land and labor, productive as is the one and intense and long-continued as is the other, and the consequence is that the people are in debt, and speaking generally live on credit, or draw on their capital, hitherto chiefly in land, the better portion of which has already been parted with, eaten up, or worn out.

The remedy is not easy, for the ruling classes have not

either the wisdom or the virtue to apply any effectual remedy. The most that they will tolerate is such measures as will enable them to tide over the present crisis, or palliate its severity, but leave in full force all the causes that have produced it. Many of these causes are moral and social, and beyond the reach of legislative or governmental action. So far as the remedy depends on the government, it consists: 1, in the total repeal of the legal tender act, and making nothing a legal tender but gold and silver; and, 2, in the restriction of the banks in the issue of their notes or bills to their actual ability at any time to redeem them in the lawful money of the United States. The twenty-five per cent. reserve the banks are now required to keep in their vaults affords no adequate security either to bill-holders or to depositors, as the present crash proves. The banks must not be allowed to draw interest on their debts which exceed their means of redeeming them on demand, nor use deposits as capital. We do not disguise the fact that these two measures would cause a considerable shrinkage in values, and greatly diminish the volume of the business of the country; but they would tend also to check wild and reckless speculation, and to place the business of the country on a safe and wholesome basis. Matters must become worse before they can become better. The volume of business we are doing is too large for the capital of the country, and it cannot be lessened without more or less suffering, for a time, to the mass of individuals. We have nothing with which to extinguish our indebtedness, whether foreign or domestic, but the produce of land and labor, and till we are compelled to bring our expenses within the income from land and labor, and so far within as to leave a surplus for a sinking-fund, we shall be afflicted with periodical panics like the present. Trade and large manufacturing establishments, as distinguished from domestic industries, are ruining us, as they ruin, in the long run, every nation that depends on them. The political economists are the most consummate fools going, for they regard man only as a producing and consuming animal, and are ignorant of the sources of real wealth.

We do not expect either of the two measures we recommend—measures designed to put a stop to the use of debt as capital or stock-in-trade—will be adopted, nor do we expect to see any efficient remedy applied to the evils of which everybody complains. The present crisis will, after ruining thousands, perhaps hundreds of thousands, who will be un-

heeded as the slain in battle, exhaust itself, and the survivors, unwarned by experience, will resume the old course, and count the battle won; till a new crisis, a new crash, or prostration of credit comes, from which the widow and orphan, people of moderate means, and the laboring classes, as usual, will be the principal sufferers. Men will not believe that the worship of Mammon is suicidal, and that political economy, to be successful, must, like virtue, be based on the principle of self-denial. The modern system of business and finance, which is that of using debt for capital, has too strong a hold on most modern nations, especially Great Britain and the United States, for any power in them to cast it off. It is rapidly becoming universal; it has triumphed over statesmanship, morality, and religion, and we suppose it must run its course, till the modern nations find their boasted civilization evaporating in smoke. "The wicked shall be turned into hell, and all the nations that forget God."

In England it would seem that Mr. Gladstone is losing popularity, and it is doubtful if his party can much longer retain their places; but though we have always sympathized with the Tories rather than with the Whigs, and regard Mr. Disraeli as the only contemporary English statesman really deserving the name, we are by no means sure that the accession of the Tories to power would be a gain, especially to Catholic interests; but so far as we have any knowledge on the subject, the Tories do retain some reminiscences of the law of nations, while the Whigs and Liberals retain none. If the Whigs are more liberal in promises to Catholics than the Tories, they fall usually even behind them in performance. To our mind the greatest danger with which England is threatened is from liberalism, or what is the same thing, secularism. England represents to-day the city of the world, and is the chief supporter of that pagan spirit against which Savonarola fought and fell in vain, and which now pervades all modern society, as even our English Catholics at length are beginning to understand. She, individuals excepted, with all her cant, hypocrisy, and philanthropy, is as thoroughly heathen as ever was ancient Greece or Rome, Egypt or Assyria. She is secular, and seeks to secularize every thing—education, religion, the church, literature, art, and science. She warms up and grows poetical only in the worship of nature, and becomes enthusiastic only over classic antiquity. Her influence on other nations is most deleteri-

ous, and will continue to be so, till her own godless, or "mercantile system," as Nicholas of Russia was wont to call it, fails from its own excesses. God has given her a place for repentance, and many individuals have availed themselves of it, and been reconciled to the church; and, we presume, many more noble conversions will, through grace, be effected, but we have lost all hope of her reconversion, for we see, or think we see, the same secular spirit finding its way into Catholic Ireland, and by its subtle influence destroying or corrupting the faith of no small portion of the Irish youth.

In Germany there is no change for the better, and little prospect of any immediate change in the policy of the imperial government. The persecution of the church continues without any relaxation, and the infamous laws against religious liberty, or the rights of God, are enforced with due rigor. The imperial government believes itself under the necessity of warring against the church as the only practicable means of conciliating the liberals or of averting the hostility of the secret societies. But when, to please the internationals, it has subjugated or destroyed the church within the empire, and destroyed the independence of every *quasi* religious organization, its danger will be increased, not diminished. Gallicanism in France had destroyed the independence of the church in that kingdom before the French revolutionists of 1789 could overthrow the state, demolish the throne, and behead the king. When the church is gone religion is gone, and when religion is gone, civil authority, however constituted, is gone, has no support, and only anarchy or a military despotism is possible. The people, filled with a religion independent of them, commanding and directing them, may be relied on to support legitimate authority and maintain social order; but the people that have broken with religious tradition and have no religion, or only a sham religion, are incapable of sustaining civil society because incapable of submitting to the majesty of law. Such a people have no conscience, and can feel no moral obligation. Prince von Bismarck, warring against the church, is encouraging and strengthening the only party really dangerous to the empire. Does he not see it?

Italy, relying on Prussia for support, continues to hold the pope a prisoner in the Vatican, and to carry out its sacrilegious work of spoliation of the religious houses; and thus far with impunity. It is said, we know not how truly, that faith and zeal are reviving among the Italian people;

but what can the people do without leaders and forbidden by their very religion to use any but lawful means, against an infidel and sacrilegious government, or to free themselves and to vindicate the rights of God? In Spain, the Carlists do not seem to be making much progress; indeed, if telegraphic despatches are to be relied on, they have latterly lost ground. The republic at Madrid, though it has the sympathy of the government of Washington and our minister, General Sickles, is by no means firmly established, or capable of governing the country. We see no human help for the Spanish peninsula. A portion, perhaps the numerical majority of the Spanish people, retain their Catholic faith and attachment to monarchy; but the ruling classes, there as elsewhere, the new nobility and the wealthy traders, merchants, and manufacturers, the citizens as distinguished from the peasants, have practically at least lost their faith and with it their patriotism, and are divided between the republic, the commune, Don Carlos, and the Prince of the Asturias. They only thwart each other. Should the republic utterly fail, Prussia apparently stands ready to place a Hohenzollern on the Spanish throne.

The restoration of monarchy in France does not seem so near at hand as it did three months ago. The monarchical movement has met with a check, if not a defeat. The secret societies, by means of which the minority, a contemptible minority indeed, contrive to control the action of the majority, are too well organized and too strong in France, perhaps throughout Europe, for the royalists or monarchists. The Right in the national assembly have won no victories in the recent elections. It would seem to be on the point of making important concessions to the Left, and thereby indicating weakness, or want of courage, which is the same thing. Whenever a government or a party in place makes a concession to the opposition, it is all over with it, and if the Right yields at all, the restoration of the Bourbonic monarchy may be regarded as henceforth a vain dream. The Bourbons are expiating the crimes of their fathers, especially in the suppression of the illustrious Society of Jesus. No power that took part in that suppression has since prospered. Look at Spain, Naples, Portugal, Austria. There is no doubt that the national sentiment of France is in favor of monarchy, but she is powerless against the secret societies spread as a network all over her soil, and they will suffer her to have no monarch but one in whom they can confide to do their

dirty work, and they can confide in no one who, while he professes to be a Catholic, will not use his power to cripple the influence of religion by denying the church her freedom and independence.

We think the chances of the imperialists are better than those of the royalists, for they are less hampered by their traditions, hold more in common with the Left, and can promise more to the agents of the secret societies. MacMahon is an honest and a very honorable man, a respectable, though not a great soldier, but he has not as yet proved himself a statesman, and we suspect, is an imperialist rather than a royalist. The Duc de Broglie, his chief minister, is an able man, a learned and brilliant author, and, we doubt not, a Catholic in his convictions, as one might be a *French* Catholic before the Council of the Vatican; but his predominant passion is for constitutional government as the only sure guaranty of liberty. He can hardly be regarded as a legitimist. Thus far he has proved himself but an indifferent statesman. The Right has gained nothing by displacing M. Thiers, and is probably weaker to-day than when the present government came into power. Whatever may have been the revival of religion in France, the elections prove that it has had very little if any influence on the voting population. The most that the friends of order and religion can now hope is to preserve the present republican government in the hands of those who are not republicans. Let the government pass into the hands of avowed republicans, though conservative, it will soon pass into the hands of the radicals, for conservative republicans differ from red-republicans only in degree, not in principle, and the inevitable tendency of things is for power to pass into the hands of the bolder, more energetic, and extreme section of a party. The reds, or extreme Left, will triumph as surely as power passes into the hands of republicans who are so from principle and conviction, and consequently the republic will become a reign of terror, and degenerate into the despotism of the mob, from which only a military despotism can rescue it.

We have a profound respect for Louis Veuillot, who, through the *Univers*, would seem to be the dictator of the Catholic public opinion throughout the world, but, as we have heretofore said, we think he makes a great blunder in laboring to identify the Catholic cause with that of monarchy, and in France with that of the Count de Chambord. The Catholic party in no country in the world, even with the

sovereign at its head, is strong enough, humanly speaking, to restore and sustain Catholic monarchy, or a monarchy able and disposed to maintain social order, and the freedom and independence of the church, the kingdom of God on earth. We see it in Germany, in Austria, in Italy, in France, in Spain, where Catholics are the numerical majority, no less than in countries where they are only a feeble minority. We have as little confidence in monarchy as we have in democracy. M. Veuillot cannot be more opposed to the revolutionary spirit than we are; but he knows or ought to know that it was not the people, but the sovereigns, that evoked that spirit in the eighteenth century. It now pervades the people, and kings and kaisers hold their crowns only by pandering to the worst passions it has stirred up. They can reign only by grace of the secret societies, and to secure that grace they must make direct or indirect war on the church of God. How then restore or sustain anywhere a real Catholic monarchy? Loyalty is expunged from the popular vocabulary, and without loyalty in the people, monarchs can sustain themselves only by force.

To restore and sustain a Catholic monarchy in any country, you need either a thoroughly Catholic or a thoroughly loyal people; and in no country in Europe or America have you either. M. Veuillot makes the mistake of seeking the effect as the condition of obtaining the cause. You must revive loyalty and Catholic faith in the people before a Catholic monarchy is practicable; and when you have done that we know not that monarchy is preferable to republicanism. Monarchy cannot help us. It must obey the mandate of the secret societies or be subverted, and as no Catholic monarchy that recognizes and respects the rights of God can obey that mandate, no Catholic monarchy, even if restored, can stand or govern. A conservative republic, as things now are, is for any length of time equally impracticable. It must either become radical, or by a *coup d'état* like that of the 2d of December, 1851, convert itself into a military despotism, with a carbonaro for despot, as was Louis Napoleon. We say, then, as we have heretofore said, we see nothing to hope either for society or the church from political action, political changes, or combinations. No government anywhere that is devoted to the true interests of society, and seeks to govern according to the law of God, or the traditional *jus gentium*, can now stand.

For our own part we think, as we have said of our finan-

cial affairs, matters must become worse before they can become better. We look for a temporary triumph of the radicals over monarchy, and over the conservative republic. The Mazzinians and Garibaldians will supplant the monarchy in Italy, Castelar will extinguish the Carlists in Spain, the Left will triumph over the Right in France as the Mountain did over the Gironde in the old revolution, and the secret societies will, when they can no longer use it, put an end to German imperialism. Such seems to us likely to be the course of public events. There must come a complete demolition of the old political Europe, and the total destruction of the civilization that the church has so laboriously created, and society be reduced to a more degrading barbarism, denser ignorance, and grosser superstition than the world has hitherto seen. Then either the world comes to an end or the church must begin her work over again, and create a new Christendom and a new Christian civilization. We look for the latter, which however will not come till the last vestige of the old system has been swept away.

We do not pretend to any gift of prophecy, and we may be mistaken in our calculations, for we do not know the secret counsels of Providence, or what providential intervention there may be in behalf of the church or of Christian society; but taking a purely human view of the causes in operation, it has been our conviction for the last thirty years, and frequently expressed in our *Review* and in our public lectures, that Christendom is broken up, and that the church finds herself in this nineteenth century in substantially the same condition in which she was in the first century or under the pagan Cæsars, that is, face to face with revived paganism or nature-worship. She has no external power on which she can rely to protect her external interests, or to defend her rights; she is thrown back on her spiritual resources alone as the kingdom of God, as she was when she went forth, after the descent of the Holy Ghost on the day of Pentecost, from Jerusalem to conquer the world to her Lord. The nations are hardly less pagan or hostile to her now than they were then. She has to proceed now as in the beginning, and reconvert them—a far more difficult task than that of their first conversion. Ages of persecution from all quarters may be expected, and far harder to bear than that of the so-called martyr ages. The division of the world into the Catholic world and the missionary world is obsolete; there remains only the missionary world, and in every land

the church is virtually a missionary church. Such was the view we took when we sought admission into the church, and such is the view we have never ceased to take.

In the middle ages there were, at times, more external violence to the church and hardly fewer acts of disobedience and sacrilege than now; but with this difference, the men then knew they were wrong, acted against the principles they held to be true, but now they have conformed their principles to their practice, have persuaded themselves that wrong is right, evil is good, and sacrilege is an act of piety. They therefore now commit their crimes against the church and society, and perform their evil deeds with a quiet conscience and without compunction. Even such brutal tyrants as Henry IV., king of the Germans, and the perfidious Frederic II., of Germany, had a conscience, but Kaiser Wilhelm and Prince von Bismarck have none, and both measure their right by their might. In the non-Catholic world to-day, there is actually less principle, less conscience, than there was with the Greeks and Romans when Peter transferred his chair from Antioch to Rome. The reconversion of the nations that have apostatized must therefore be much more difficult than their original conversion. We do not know that there is any ground of hope for their reconversion, and St. Paul (Heb. vi.) seems to teach that "it is impossible." It certainly is impossible with men, but "with God all things are possible." Protestantism is unquestionably that "falling away" apostasy of which St. Paul writes to the Thessalonians, and which was to precede the end, and its spirit is manifestly the spirit of Antichrist already in the world when St. John wrote his first Epistle. Is it not more reasonable to suppose that the end is at hand, than that these apostate nations will "be renewed unto penance," and reunited to the living body of Christ?

There are many signs of the approaching end; but there are also signs of the contrary. If the faith of many has waxed cold, there is still faith on the earth, and the words of the Lord to Elias in the desert, may be repeated to the desponding, "I have reserved me seven thousand who have not bowed the knee to Baal." The constant prayers that ascend for the august prisoner of the Vatican, the liberal contributions of Catholics to his support, the pilgrimages to holy shrines, especially the shrines of our Lady, that of late have become so striking a feature in France and elsewhere, prove that faith is not extinct, if they do not prove that it

is reviving. It seems to us, also, that the church has not yet accomplished her work, and that not yet has the Gospel of the kingdom been preached to all nations, and the kingdoms of this world made the kingdoms of God and his Christ. The Jews have not yet been converted and brought in, and they seem as far off, as a body, as ever. They are the chief captains of the army of Antichrist. It is possible the old Catholic nations of Europe will be given up, as have been those of Asia and Africa, and the Christian empire move westward through America, and crossing the Pacific Ocean, complete its circuit by returning to Asia its birthplace. Who knows? The designs of the Lord are unalterable and sure to be fulfilled.

Yet whether the end of the world be near or far off, no harm can come to the church or to the true people of God united to Christ by faith and love, who dwell in him and he in them. But as we know not the day or the hour, we should strive so to live as to be prepared for either event. It is with the end of the world as with death, of which some one says, "since we know we must die, but know not when, we should so live and work as if we were to die within the hour, and also as if we were to live for ever." We may not succeed in restoring the lapsed nations, or in reviving Christian civilization, but we must earnestly and perseveringly seek to do it, and leave the event to Him whose it is to grant or withhold success. For ourselves we believe that new victories on earth await the church, and we hold it our duty and the duty of every Catholic, to labor to restore and preserve the Christian faith, the Christian family, and Christian society. We have to-day the same enemy in front of us that the apostles themselves had to war against, and like them we can rely for victory only on God. The kingdoms of this world are against us, the spirit of modern society is against us, the politics and politicians are against us, the wealth, the pretended science, learning, and philosophy of the nations are against us, and Protestants, like the old carnal Jews, are by their emissaries everywhere present stirring up the people against us; but He in whom we trust is stronger than they all, and, if such is his will, he can scatter them with his breath as the chaff of the summer threshing-floor before the wind.

The present condition of what was Christendom is due to placing in power the party which in the time of the *Ligue* in France, went by the name of *les politiques*, who were

neither fish nor flesh, and who subordinated the rights of God and the interests of religion to the exigencies of state policy. These are, whether nominally Catholics or not, now the men in power, and whom even Catholics intrust with the direction of public affairs. We must use all the lawful means we possess to displace them, and to put in their place only men who will subordinate state policy to the law of the Lord. We expressed last July,* some doubts in regard to the expediency of the call of the energetic and outspoken bishop of Cleveland, upon Catholics to unite and vote only for such men as will defend the rights of Catholics, especially in regard to education. We have some doubts if the doubts we expressed were well founded, and are at present disposed to retract them, and to support the policy recommended by the venerable bishop. The late elections have shown us that political parties are likely to be again in our country very nearly equally balanced, or at least the fanatical anti-Catholic, or Methodistical party, headed by President Grant and his Methodist friends and masters, has received a check, and is by no means invulnerable. The recent election in this city shows what an honest, consistent, and capable political leader, a thorough-going Catholic, bold, energetic, yet prudent, can effect. The same man may do more yet.

But we are now speaking chiefly in reference to Catholics in the old European nations, where they are, as in France, Spain, Italy, Austria, and southern Germany, by far the numerical majority. Yet in none of these countries do we find a really Catholic statesman worthy of the name in power. Count Franz de Champagny wrote, in the *Correspondant*, some years back, "in Alsace and Lorraine, the two most Catholic departments of France, there is scarcely a Catholic in office, national, departmental, or communal. The offices are nearly all filled by Protestants and Jews." It was pretty much the same throughout all France. Official France has never been thoroughly Catholic since the accession of Henry IV., we might say since Louis XII., surnamed the Father of his People, and, as we said years ago, if there is Protestantism in Europe to-day, the chief responsibility rests on official France, which has never since the consolidation of the Capetian monarchy, served the church any further than it could make or hope to make her subservient to the schemes

*The Church above the State*, Brownson's Works, Vol. XIII, page 488.

of political aggrandizement. Even Louis IX. was canonized, not for his royal virtues or his devotion to the Holy See, but for his virtues as a man, and his heroism in adversity, chiefly as a prisoner in Tunis. Perhaps, if we might say it with reverence, also as a stroke of policy, to some extent at least, of Boniface VIII., who was persecuted by his grandson, the really infamous Philip the Fair. That the pope is infallible, in the canonization of saints, is not, we believe, *de fide*. The Franks, after the half-pagan Charles Martel, were devoted to the Holy See, but we have yet to learn any disinterested support to the Holy Father by official France, since the accession of the Capetian race of kings.

In later times French Catholics have rarely insisted on true, thorough-going Catholics to represent them. If they have voted for Catholics, it has usually been for politicians who subordinate the church to the state. Over 1,700,000 out of 1,800,000 inhabitants of Paris profess to be Catholics; yet they made or submitted to the commune, and have not a single conservative in the national assembly. Even Count de Rémusat was not radical enough for the Parisian Catholic voters. In our own country rarely can a Catholic who subordinates his politics to his religion secure the votes even of his Catholic brethren, and when a Catholic is elected to an office, state, national, or municipal, it is usually one who cares little for his religion, and knows less of its real principles—a *liberal* Catholic, or one who holds that his "religion has nothing to do with his politics." In fact, Catholics with whom their religion is the governing principle of their lives are never office seekers, never demagogues, and seldom popular even with Catholic electors. We touch here the real discouraging fact, the fact that makes us so doubtful of the restoration of Catholic society in Europe or elsewhere. There is even among Catholics a fearful lack of Catholic principle, and it is to this lack of Catholic principle that is due the ascendency gained by the enemies of God and society. Unless this lack is supplied, and we Catholics become Catholics, heart and soul, there is no hope for the world, however many churches we may build, or pilgrimages we may make. We may have to submit to anti-Catholic governments, but never should we, by our own act, create or aid in creating them.

# THE OUTLOOK AT HOME AND ABROAD.*

[From Brownson's Quarterly Review for October, 1874.]

We have one grave objection to this book, that it is made up, in part, by omissions and additions by Lord R. Montagu, from an Italian work by the eminent Jesuit writer, Fr. Franco, and is therefore, properly speaking, neither Fr. Franco's nor Lord R. Montagu's work. We have, moreover, no marks given us by which we can distinguish what belongs to the reverend father from what belongs to the noble lord. The book, as we have it before us, may be much improved by his lordship from what it was as Fr. Franco left it, and we have no doubt that it is so; but we hold the productions of an author sacred, and can tolerate no changes in their text, even for the better, without his knowledge and express consent.

But passing over this objection, which is not an objection to the merits of the book, we may say we like it very much, and regard its publication as timely and highly important, even for English-speaking Catholics, among whom we have found the popular errors it points out, concerning the relation of religion and politics, hardly less rife than among non-Catholics; and the greater part of which have been noted from time to time and refuted in the *Review*. In our own community, the total separation of church and state, or of religion and politics, is a "fixed idea." But this idea is not the same in all minds. The infidel understands, by the separation of religion and politics, the complete independence of the secular order, or the denial in the political order of the sovereignty of God, while many Christians only mean by it the exclusion of the clergy from all practical intermeddling in political affairs. These last are not wholly wrong; for, as a matter of fact, priests just from the seminary, or devoted to the spiritual duties of their calling, are less fitted to manage the politics of a country than intelligent laymen. Shut out in great measure from intercourse with the world during their seminarian life, they have little chance to inform themselves of the practical bearings in the secular order of this or that political measure, and in general are obliged to rely on the lay members, usually the dema-

*On some Popular Errors concerning Politics and Religion, by the Right Honorable Lord Robert Montagu, M. P., London: 1874.

gogues, of their parish or congregation. In the middle ages and later, when the leading statesmen were ecclesiastics, the interests of religion were not more consulted or better protected than if the statesmen had been seculars. Churchmen, become statesmen, are very apt to leave the church behind them and consult only secular interests, as we see in the case of Cardinal Beaufort, Cardinal Wolsey, Cardinal Richelieu, Cardinal Mazarin, Cardinal Dubois. Even the great Cardinal Ximenes did not a little to ruin Spain politically, by his centralism. Statesmen, whether churchmen or laymen, are obliged to follow the political tendencies, the public opinion, of their age and nation.

The true mission of the clergy is, not to enter the arena of politics and to act the part of politicians, but to proclaim and enforce, with all the spiritual power they can wield, the great principles of the divine government or the kingdom of God on earth as applicable to secular affairs, and which are the law alike for individuals and nations, for rulers and ruled; and to form and sustain a public opinion that compels statesmen to conform their secular measures, their state policy, to the law of God as declared and applied by the church, and which is universal and inflexible. Understood in this latter sense, the separation of religion and politics means political atheism, or the denial of the sovereignty of God. In the former sense, the separation is, perhaps, desirable. In the infidel sense, as understood by European democrats and revolutionists, by the Cavours, the Bismarcks, the German kaiser, and Anglican statesmen generally, the separation is simply the denial of the divine sovereignty in society and the state, which is in principle and practical tendency downright atheism. We recognize a marked difference between *clerocracy* and theocracy. The latter we defend, the former we have never defended; for while the clergy have, in union with their chief, authority to declare the law, the spiritual or moral principles to which the secular government must conform, they have, in the practical administration of secular affairs, only the authority of seculars, are not necessarily superior, and not seldom in fact inferior to them, because not trained to practical statesmanship. It is the neglect to make this distinction that causes even some well-meaning people, who have not the least sympathy with political atheism, to demand the separation of religion and politics. Their error is not in their intendment, but in their expression, which says more than they mean, and even what they do not mean.

As far as we have examined it, the book before us is an admirable *résumé* and exposure of popular errors concerning politics and religion. But we do not count the popular demand for civil liberty, or even for republicanism or democracy, by lawful means, as a popular error. Religion has no necessary association with monarchy; and Louis Veuillot's ideal, that of absolutism under a *pious* king, as a literary friend in the Tyrol expresses it, is not intrinsically more Catholic than Gambetta's ideal, the sovereignty of the people. The error of the European movement party is not in demanding popular government, but in demanding it by unlawful means and on false principles, as well as in supposing it can be sustained without religion, or by an atheistic or an heretical people. The spiritual order is and must be absolute, for it represents the divine sovereignty; but the absolute sovereignty of God, with all deference to *La Civiltà Cattolica* and *L'Univers*, negatives, not affirms, the absolutism of the king or the state, and therefore blundering Protestants maintain that the church is incompatible with civil liberty or popular government, because she asserts the divine sovereignty. They have not learned that the prime mover must itself be immovable. They, like the common herd of revolutionists, seek to establish freedom by destroying the very means and conditions of its existence. Catholic absolutists agree perfectly with them; only, while the revolutionists seek to destroy the absolute authority of God so as to be able to assert popular liberty, the Catholic absolutists deny popular liberty so as to be able to assert the absolute sovereignty of God. Both agree in this, that the divine sovereignty and popular liberty negative each the other, and *L'Univers* and *The Methodist* play into each other's hands. Publicists, whether Catholic or non-Catholic, are far from being infallible, and journalists sometimes write dogmatically on subjects of which they are profoundly ignorant.

The pope has on several occasions severely censured so-called liberal Catholics, especially in France; yet, in no instance that we have seen, has he done so because they demand popular government, but solely because they seek to carry their liberalism into the church, that is, into the divine government and limit the divine sovereignty by the pretended rights of man. As if the creature could have any rights against the Creator, or man any rights against God! We have never heard that the pope has condemned the Ameri-

can constitution, or that he censures the liberty it was intended to secure to American citizens. The church has never declared that the law of God commands Catholics to be monarchists, or maintained that in any country the interests of religion are bound up with absolutism under a *pious* king. For our part, we believe they have a far surer protection under a free, but believing and pious people, than they have ever yet had under the most pious of kings, however absolute. The *Univers* and its adherents have done not less to injure the church and suppress the rights of religion in France and Europe, than have the liberal Catholics. We identify the interests of Catholicity neither with monarchy nor with republicanism, neither with democracy nor with absolutism, and we venture the assertion that, till our Catholic friends in Europe learn to separate in their own minds the Catholic cause from that of political forms, they will not see Christendom restored. Louis Veuillot's advocacy of the Count de Chambord has tended only to restrict Catholicity to the legitimist party, and to pave the way for a return of the imperialists to power, or for the triumph of the communists. Neither monarchy nor Catholicity is so strong in France as either was a year and a half ago. We cannot conceive what infatuation has led some of our Catholic friends seriously to believe the restoration of the legitimists to power possible without a miracle. They are the most unpopular party in France, and the most impracticable.

The popular errors treated in the volume before us, and which we have no intention of noting severally, have to a great extent undermined the faith of the old Catholic nations, broken up Christendom, and plunged Europe into her present deplorable state, hardly, if at all, above that from which the Gospel rescued her eighteen centuries ago.

The most discouraging thing with regard to old Europe, in our judgment, is, that our Catholic friends there have the simplicity to hope for the restoration of Christendom, and the reinstatement of the Holy Father in his rights, while these same popular errors remain uncorrected with the great body of the people. They look to political combinations or changes, and rely chiefly on diplomacy. They do not or will not see that diplomacy at best can only restore the *status quo*, which, if restored, would only necessitate, with the present opinions, tendencies, and aspirations of the governments and people unchanged, the renewal of the same course which events have run since the revolutionary epoch

began, and after a few years would place matters in the same state that they are in now. Restore the pope to his full temporal sovereignty to-day, and the war which has sacrilegiously dispossessed him, and imprisoned him in the Vatican, would recommence to-morrow: and what is to prevent it from having the same result? Reëstablish the kings and princes of Italy in their hereditary rights, restore monarchy in France and Spain under pious and legitimate kings, and the same causes that subverted the throne yesterday would subvert it again to-morrow, and bring back the anarchy that prevails to-day. The people are no longer animated by a sentiment of loyalty; they no longer care the snap of a finger for legitimacy, and would resist the most just and necessary acts of the king or authority as acts of tyranny. Rebellion and revolution would be rife again, for nations learn nothing from experience. Even the individual profits little by any experience but his own, and that comes too late.

Formerly, there were violence and wrongs, acts of disobedience to authority great as now, perhaps greater, but they were condemned by those who committed them; people's principles were just, better than their practice; and authority, in opposing and laboring to correct the practice, found support in the principles of the people, in private and public conscience. The authorities then, if so disposed, could protect the church, and maintain her freedom and her authority over her own children, though the majority of the nation were un-Catholic, even pagan, and often did so, as we learn from ecclesiastical history. But now the case is different. The people have conformed, not their practice to their principles, but their principles to their practice. Their principles are no better than their conduct, and their conscience will not sustain the authorities in their efforts to reform their practice. The church has less, rather than more, to hope from the sovereigns than from the people. It is idle, then, to expect to make kings and princes the instruments of restoring religion and morality, and protecting the rights of the church, that is, the rights of God.

The public opinion of the so-called civilized world is far from condemning the usurpations of the Sardinian government, or its war against the pope and the church; and the infamous Bismarckian laws against Catholics are approved by the public opinion of Europe and America, and hardly a whisper is heard against them, except from Catholics, who no longer exercise the hegemony in the modern world so

deeply corrupted by the long prevalence and widespread influence of Gallican heresy, which, though condemned and expelled from the church by the Council of the Vatican, is not yet uprooted from the mental habits of the people, and will not be during the present generation.

We see nothing encouraging either for religion or society in the outlook abroad, nor shall we, till we see Catholics ceasing to put their trust in princes, and find them understanding that the world has escaped them and relapsed into paganism. They must understand that their only hope, under God, is in reconverting the nations, in recovering them to the Catholic faith. In this, diplomacy will not avail them. The apostles did not resort to it: and it is their example that we must follow, if we mean to succeed, or to secure the blessing of God upon our labors. We care nothing for monarchy or democracy; but we believe that Catholics must turn to the people and begin at the bottom of society. A king surrounded by a wealthy and powerful nobility may make an imposing show, but king and nobility count for less in the work now before us than the poor servant-girl, or the humble laborer and artisan. It is these who have in this country built our magnificent churches, supported our clergy, and maintained the splendor of Catholic worship. The prosperity of religion does not depend on the patronage of princes, the great, the haughty, the noble, the proud, or the wealthy, and is secured only by winning the hearts and converting the so-called lower classes of society, and building from the foundation upward. Catholics have been and still are too prone to hold the faith of our Lord Jesus Christ with respect of persons, and to look upon the conversion of the great, the princely, the noble, the learned, the rich, and the distinguished in the world's estimation, as of far more importance to the church than the conversion of the poor and lowly, the unlettered and undistinguished in this world. This is un-Catholic, and needs to be rebuked. Our Lord gave to St. John the Baptist, as a proof of his Messiahship, among other things, the fact that "the poor have the Gospel preached unto them." The poor are worth more to the church than the rich, and the conversion of the rich and the great is a less matter of exultation than that of the poor and lowly whom this world despises. Catholics have followed too closely the example of the world, and been too ready to judge with the world's judgment, and hence the world has been too ready to claim

them as its own. How often do we find our journals citing the names of great and distinguished converts as a recommendation of the church! How differently spoke St. Paul: "For see your vocation, brethren, that not many are wise according to the flesh, not many mighty, not many noble; for the foolish things of the world hath God chosen, that he may confound the wise; and the weak things of the world that he may confound the strong; and the mean things of the world, and things that are contemptible, and things that are not, that he might destroy the things that are, that no flesh should glory in his sight." We fear Catholics have not always remembered this, and hence have fallen into the sad state in which we now see them.

The evil we indicate obtains to a fearful extent even in this country. Of all people democrats are the greatest toadies, have the least respect for the poor, the least honor for the lowly, and the greatest hankering after riches, titles, and honors; and Catholics, born, naturalized, or domiciled in the country, do not wholly escape the influence of its democratic spirit, or the contamination of the democratic habits and manners with which they come in daily and hourly contact. It was formerly objected to democracy that it tends to ochlocracy, or the government of the rabble: our American experience proves that its tendency is rather to timocracy, or the government of the rich. It really has both tendencies; the former, in towns and municipalities; the latter, in the states and in the Union, if we except the reconstructed states, especially South Carolina and Louisiana, though, perhaps, we ought not to except even these states, for the rabble,—carpet-baggers, scalawags, and the freedmen,—owe their places and power, which are ruining these noble states, to the unconstitutional and unwise intermeddling in state affairs of the general government, and the fear of federal bayonets. The party controlling the general government pretends not to believe in the submission of the real people of the states lately confederated and fighting for their independence of the Union; and, under the pretext of guarding against a possible renewal of the so-called rebellion, of which there has never been the least danger since the confederates laid down their arms and surrendered to the federal officers, has directed its legislation, its army, and its influence to prevent the real people of these states, from obtaining the power in their respective states, and to sustain the government in the hands of the

ignorant and half-savage negroes,—yesterday slaves—scalawags, and greedy and unprincipled adventurers from the northern states. It is very probable, if General Sherman's memorandum of agreement with General Joe Johnston had been accepted by the government and carried out in good faith, it would have saved the southern people from all the horrors of the rule of the rabble, even in spite of negro-suffrage, and long before this have obliterated all trace of the civil war. The bad policy of the Republican party has succeeded in converting the civil war into a war of races, which will not cease till the colored race is reduced to political insignificance in all the states. The white race will never tamely submit to be governed and plundered by ignorant and half-savage negroes; and the sooner the federal government ceases to act on the late Mr. Sumner's negro policy, that is, to enforce social equality between the races —which is neither practicable nor desirable,—the better will it be for the Union and the real interests of the freedmen themselves. We, though never an abolitionist, did as much as any other publicist in the country to bring about the emancipation of the slaves as a war measure, and no one surpassed us in loyalty to the Union, and in our efforts to save it. But when the confederates laid down their arms and manifested their desire to return to the Union, we held that they should be admitted on a footing of perfect equality with the states that did not secede, with equal rights with them to manage their own state affairs, without any intermeddling of the federal government: and we hold so still.

The political outlook at home is not encouraging. General Grant is talked of for a third term, and he can be elected for a third time if he wishes. Mr. Lincoln, so cruelly assassinated, one of the shrewdest politicians that ever sat in the presidential chair, made it possible for a president to reëlect himself when he chooses. He reëlected himself in 1864, and if Johnson failed in 1868, it was through his constitutional scruples, his political honesty, and his mismanagement. Grant reëlected himself in 1872, and, so far as we can see, nothing hinders him from reëlecting himself again in 1876, if he lives. We have no very strong objections to a third term; we should, however, prefer that the president should be at first elected for twelve years, or, as to that matter, for life, so as to give some stability and character to the administration. Experience proves that one of the greatest and most dangerous popular delusions is,

that frequent elections, except in towns and cities, are desirable. General Grant would make as good a president for three terms as for two or one. He has more ability, and, perhaps, more statesmanship, than he gets credit for; but he is too much of a democrat, and avows he has no policy to be insisted on against the will of the people, meaning, by the *will* of the people, not their will expressed officially through the constitution and laws, but their will as collected from caucuses, the resolutions of public meetings, leading journals, and delegations of bankers, merchants, mechanics, and simple workingmen, which is of no authority for the government, and the very will that a president ought often to resist and defeat. The president, in vetoing the senate financial bill, supposed to be favorable to the inflation of the currency, gained the good-will of bankers, capitalists, bondholders, and the whole creditor class, by increasing the value of their securities ten or fifteen per cent., and has of course secured their support; and yet we approved the veto, as necessary to save the honor of the government. The error was committed by the financial policy of Mr. Chase, who unwisely listened to Messrs. Jay Cooke & Co.

Protestantism has had here its free and full development, and has proved its incompetency to sustain wise and just government, or either private or public morality. We see this in the dishonest rings which everywhere obtain, in the venality of our public men, hardly one of whom has not his price. We see it in the lack of private morality, shown by such revelations as those of Plymouth Church. Whether Henry Ward Beecher is or is not an adulterer, matters comparatively little to the public at large; but the revelations of the state of morals in Plymouth Church, the tone of religion and morals exhibited in the statements made to the public by both the accusers and the accused, prove that our Protestant society has become or is becoming rotten to the core. Protestantism has ceased to be an objective religion or a religion independent of the soul, over it, above it, commanding it, and restraining the passions and lawless tendencies of human nature, and has become in its successive developments purely emotional, sentimental, subjective. Beecher started with the assumption of the purity of human nature, the holiness of its instincts and tendencies, which, therefore, are to be indulged, not restrained: and Beecher is a representative man, and shows us in his own teaching what is the popular tendency of the age and country. Hence

his popularity, which is immense, greater by far than that of any other Protestant preacher at home or abroad. His popularity is not due to his superior ability as a thinker, his superior erudition, diction, eloquence, or originality, for in all these he is surpassed by hundreds and thousands even among his own countrymen, but to the delicacy with which he feels the public pulse, the sagacity with which he ascertains the rising public opinion of Protestants, the fidelity with which his own mind and heart respond to the passions, emotions, sentiments, tendencies, and aspirations of his age and public, and to his unscrupulousness in yielding to and expressing them. The Beecher nature is receptive, susceptive, and sympathetic, and leads by following. In the sermons and writings of Henry Ward Beecher you see reflected, as in a mirror, the present state and development of the Protestant mind and heart, and not only what Protestantism now is, but what it is rapidly becoming. Hence he is, as we have said, a representative man, and in the revelations of the moral state of the Plymouth Church we may see the logical results or the legitimate fruits to be expected from the Protestant spirit. Hence he and his church may be appealed to as furnishing ample proof that Protestantism is powerless to sustain wise and just government, or private and public virtue.

Protestantism can furnish no remedy for the evils that threaten our society, and its spasmodic efforts at reform only make matters worse. Our hope for our government and society, for politics and morals, depends therefore on Catholics, for they only of all our population are placed by their religion on a plane above paganism, and have in it sound principles and the supernatural helps needed for private and public morals. This hope should be strong and consoling to the American citizen in view of the astonishing increase of Catholics in the country in numbers, wealth and influence, in the multiplication of churches,—some of them not unworthy of the name,—of colleges, of academies for our daughters, and of parochial and other schools for the children of the so-called humbler classes, which, however inferior to what we could wish them, are vastly superior to any others in the country, at least in a moral and spiritual or Christian point of view; but it is somewhat damped by the fact that we cannot measure the growth of *Catholic* influence by the increase of the number of Catholics, of Catholic churches, and of Catholic institutions. We fear, as we have

already said, that Catholics imbibe from association with non-Catholics not a few of the popular errors so prevalent in the country, and which threaten its ruin. It is only the Catholic Church that can save us; but even she can do it only through the action and influence of Catholics, and through them only by their standing by the faith in its purity and integrity, and faithfully observing in their conduct what it requires of them. If they suffer their faith to become crusted over with the popular errors of Protestants, and in their daily conduct or practice differ hardly at all from them, their action and influence will not be Catholic, and hardly more salutary than the action and influence of non-Catholics. Such, to a great extent, we fear is the fact. In americanizing, we protestantize. We do not see that the Catholic press is much more elevated in tone and sentiment or influence, when not treating expressly of Catholic faith and morals, than the non-Catholic press. Our *political* Catholics do not usually act in reference to a higher standard than do Protestants. We see in them the same lack of principle, of conscientiousness, of integrity, of public spirit, and disinterestedness. When we talk with them, we find their views of political science and statesmanship as crude and as low as those of their non-Catholic fellow-citizens. Their standard of political morality is popular opinion; and it would seem that they agree with their Protestant neighbors that *vox populi est vox Dei*, that what is popular must needs be right, and also that one seeks or holds office for his own private advantage.

A very large proportion of us are too much attached to the world, are too intent on getting up in the world, are too obsequious to the rich, and too afraid of poverty. We are by no means free from snobbishness. We are too fond of show and parade, too solicitous to stand well with the enemies of our religion, and too sensitive to the opinion non-Catholics may have of us. We thus fail to exert a truly Catholic influence on our countrymen, or to do what we might and should do to save the nation from the ruin that stares it in the face. Catholics abroad have forgotten the precepts of the Gospel, and God has suffered them to be persecuted, to become a prey to the secret societies, and to be oppressed by the enemies of Christ, as a needed chastisement; and we are beginning to need, and must expect ere long to receive, a similar chastisement. We do not believe the peace, freedom, and prosperity we now enjoy will continue, because

we are growing too worldly, and are forgetting to be faithful to our duty as Catholics in a democratic country,—that of introducing an unworldly and spiritual element into the life of the nation which it lacks, and which Protestantism serves only to extinguish. The outlook for religion and politics is to us not encouraging, but decidedly discouraging, or at least, if we hope still, we hope with trembling; and we dare not indulge in the exultations of either our Catholic brethren or of our non-Catholic countrymen, who believe things are going on finely.

The outlook abroad would be cheering, if we did not see our leading Catholics looking to political agencies to reinstate Catholics and their chief in their rights. We regard the calamities of Catholics in France and Spain, their persecution in Italy, Switzerland, and Prussia, as blessings in disguise. They were merited, and give Catholics an opportunity to expiate centuries of unfaithfulness to their religion, and to atone for their statolatry, or preference of the state to the church of God. They preferred Cæsar to Peter, and Cæsar is now teaching them what fools they were. No thanks are due to Cæsar, for his intentions are evil, and God in due time will punish him according to his deserts; but in his madness Cæsar is teaching Catholics that their only safety is in returning to Peter, and abiding by the Rock on which the church is built, and whence flow the waters of life.

The state can have no stability unless founded on religion, and no security where the people do not in their faith and love place the church above the state. The church does not hold from the state nor depend upon it; and where the Catholic people so believe and love and obey the church for her own sake as the kingdom of God on earth, Cæsar can do them no harm, and persecutions are to be received with joy, and with sorrow only for the persecutors. If the Catholic nations of Europe still retain the seed of faith in their bosom, the afflictions they now suffer will cause it to germinate, spring up, blossom, and bear fruit a hundred-fold.

# HOME POLITICS.

[From Brownson's Quarterly Review for October, 1875.]

Politics abroad present little that is encouraging to the statesman or the Christian. Cæsarism and liberalism, or, perhaps, we should write, cæsarism and communism, have formed, by natural affinity, a league offensive and defensive against civil and religious liberty, the family and property, the rights of God and society, and are chiefly engaged in a sacrilegious war on the pope, the divinely appointed guardian of all rights,—the rights of conscience, of the family, of nations and individuals, of sovereigns and of subjects. They are doing incalculable evil to society and the souls of men, but they will fail in their purpose and be shamefully defeated in the end, for the Lord God omnipotent reigneth. Yet we seem to have fallen on those times predicted in the New Testament, that, "except those days be shortened, no flesh can be saved."

At home things appear, at least, to be about as bad as they can be. No doubt the journals, whose mission it is to create a sensation whenever possible, exaggerate the corruption of public men, and paint the political and financial delinquencies of the day in the blackest colors possible; and no wise man believes that things are, from a worldly point of view, half so bad as represented: not all the representatives of the people are peculators, rogues, and swindlers, nor are the people universally venal. We believe there are some honest officials, and some people in the country who are not corrupt or easily corruptible. We do not believe President Grant is a positively bad man: he certainly has the virtue of standing by his friends; but unhappily his friends, when not notoriously incompetent, are for the most part rogues, swindlers, thieves, or blackguards. His great fault is that he lacks a high moral sense, genuine public spirit, and that he looks upon himself as simply detailed to perform certain duties as president. Yet we think it not unlikely that his successor will render his administration respectable, and cause it to be regretted, as Harrison's and Tyler's administration made Van Buren's administration respectable, as Frank Pierce's administration made the Taylor-Fillmore administration respectable; and so on down to the present.

We wrote in the *Democratic Review* in 1843, enlightened by the "Hard-Cider" campaign, "No first-class man can hereafter be elected to the presidential chair:" and certainly, thus far, experience has verified our prediction or conclusion. The last real statesman elected president was John Quincy Adams. Though he was in some respects intractable and crotchety, yet he was, upon the whole, an able man, and an accomplished statesman. Webster, Clay, and others, told us, in 1828, that the movement to elect General Jackson was a revolutionary movement, and that his election would be a revolution: and they were right. The republic of Washington, Adams, and Jefferson, the honest republic, expired March 4, 1829, when the hero of New Orleans was inaugurated president of the Union. The course of our politics has been downwards ever since, proving but too effectually, *facilis descensus Averni*.

Then for honest and capable men were substituted noisy partisans without principle, experience, or capacity, as officers and employés of the government. Then came into vogue the senseless maxim of rotation in office, and offices were conferred and claimed as compensation of party services. Then constitutions became so much waste paper, and the supremacy of the popular will, as expressed through caucuses, journals, and noisy demagogues, was recognized and asserted even by the president. We deny not that President Jackson was a man of eminent natural ability, or that he had many noble qualities; but he was a prince of rowdies rather than a statesman, and had no understanding or love of constitutional government. He had rare energy and force of will, but his disposition was to govern as an absolute prince, rather than as the chief magistrate of a constitutional republic. He and his partisans placed the republic on the declivity to an absolute democracy, unrestrained by constitutional restrictions on power, in which the majority for the time govern as absolutely as the autocrat of all the Russias. Prior to his election, it is worthy of remark that no great party in the country called itself, or allowed itself to be called, the democratic party. The members of the Jeffersonian party, the successful opponents of the old Federalists, disclaimed the name in our youth, when applied to them by the Federalists, accused of being monarchists, and regarded it as an insult. The election of General Jackson, whose strong will was his law, inaugurated a revolution, and since 1838, when the Whig party, which had hitherto

retained some old Federalist traditions, tired of being out of power and out of place, changed their tactics, and outbid in their democracy the Jacksonian democracy, all parties have alike claimed to be democratic; and that stanch Whig, Horace Greeley, the principal creator of the so-called Republican party, which has ruled or misruled the country since 1861, contended that his party was the *Simon Pure* democracy, and the Democratic party, so-called, was the *sham* democracy, because they still retained some reminiscences of and a respect for constitutional restrictions on the power of the majority. At present there is no constitutional party in the country; the will of the majority is absolute, and the tendency is to make the president, *à la* Jackson, or *à la* Napoleon, the sole organ or representative of that will, to the exclusion of the legislative and judiciary departments of the government. It, perhaps, needs only another Jackson or another Grant to carry out to its final result that anti-republican tendency. The assassination of Abraham Lincoln and the stubborn resistance of the lately deceased Andy Johnson, and General Grant's want of enterprise, have probably alone prevented it from being hitherto completely realized.

The abolition movement, which laughed at constitutions and legal restraints, originated in this absolute democracy, for the abolitionists had only, by continual agitation, by harping on the horrors of slavery, and fierce denunciation of slaveholders and slaveholding, to work up a majority of voters, infuriated against slavery, to have the right, on democratic principles, to liberate the slave without indemnifying the owners for the loss of their property, and in spite of the constitution. This same absolute democracy, or, as we prefer to call it, democratic cæsarism, it was that provoked the secession of the slaveholding states, and thus indirectly caused the late civil war, so disastrous to both North and South, but probably in reality more disastrous to the North than to the South, or than it would have been if there had been any wise and honest statesmanship on the part of the general government. The same democratic cæsarism that had gained the ascendency in the great central and northwestern states, and with which the Republican party was thoroughly saturated, was carried into congress; and the party having an overwhelming majority—we need not say how obtained—determined, at the cessation of the war, to provide for the perpetuation of their ascendency, and to administer the government of the Union and of the sev-

eral states in the interests of the Republican party. The pretext was the protection of the recently emancipated slave for whom the party as a party cared nothing, any further than they could use him to perpetuate their power.

We were the first publicist, or among the very first publicists, not an abolitionist, who advocated the emancipation of the slaves as a war measure, or as a military necessity; for we saw clearly enough, from the very beginning of the war, that, such was the military incapacity of the administration, the indecision and humanitarianism of the well-meaning president, and such the determination and energy of the secessionists, unless we could break up or disorganize their labor system, and render their slaves useless, and even an embarrassment to them, it would be impossible for the government to subdue them and restore the integrity of the Union. The president was afraid to prosecute the war with vigor, lest he should hurt somebody, especially the mythical union-men in the states that had seceded. Mr. Seward believed in pamphlets and sophomoric orations, when bullets were the only persuasive arguments that could be used. He pretended that secession was illegal, and therefore that no state had seceded; and appeared to persuade himself that the ordinances of secession were the work of a faction, that the mass of the southern people were loyal and attached to the Union, and anxious to return to it, and would do so, if the power of the faction were once broken; and hence he, an avowed abolition-leader, wrote officially to our minister at the court of St. James, that the rebellion would be suppressed and peace restored without disturbing the status of a single person in the Union. All this we saw was little better than midnight madness. Secession was the act of the people of the South, who were far more united in waging a war against the Union for independence, than were the people of the states that did not secede, in prosecuting the war for its restoration and preservation. We told the government that there were no union-men at the South worth counting, and that all efforts to organize the supposed union-men, and to make them representatives of the states that had seceded, were worse than thrown away, as experience soon but too amply proved. But the administration believed otherwise, and dilly-dallied till men began to be disgusted with it, as the cry, "On to Richmond," indicated. That cry was not the expression of impatience for a fight, so much as of impatience at the hesitation of the govern-

ment and its idle negotiations, and of the desire for the government to commit itself to a decided warlike policy, and leave the question to the arbitrament of arms. War is always terrible, but it is sometimes a necessity; and the most humane way of making war is to make it in earnest, and as distressing, while it lasts, as possible to the enemy, so far as allowed by the recognized usages of civilized warfare, for that tends to shorten its duration, and to secure peace. The administration never understood that, and in its false humanity prolonged it for years, and lost hundreds of thousands of valuable lives which might have been spared.

We did not advocate emancipation of the slaves on abolition principles, nor out of consideration for the slaves themselves, but as a necessary war measure, as the only means left us of breaking the power of the confederacy, and of restoring the Union. Delayed as was that measure, imperfectly and bunglingly as it was carried out, the result proved that we were right, and that the disorganization of its system of labor, gradually worked by the president's proclamation, was the decisive measure that caused the final collapse of the confederacy. The collapse of the confederacy introduced several problems, which it required statesmanship of a very high order to solve. But this high order of statesmanship was wholly wanting in the administration, and in congress, taken as a whole. The democratic cæsarism, or absolute democracy, which makes the will of the people, however expressed, inside or outside of constitutions, absolute sovereign, and the only thing to be consulted by the legislature or the executive, had reduced all statesmanship to the art of manipulating the people and securing success to one's party, or the defeat of the opposing party, that is, to adroit and skilful political management, or, more expressively, to the art of demagogy. This must always be the case under an absolute democracy, whether the people assemble in person, or act through elected representatives. The whole thought of the country had been absorbed in abolition dissertations, or declamations on liberty and humanity, and in eliminating from our institutions whatever tended to impede the direct and immediate action of the popular will, popular opinion, popular passion, or popular caprice. There had been no call since the democratic triumph in 1829, for statesmanship, for, since then, government had ceased to be a science, and any man was counted fit to be a representative in congress, a senator, or a president, if able

to command the requisite number of votes. A plurality of votes would supply any possible lack of experience or of brains.

Mr. Lincoln was a man of good natural parts, a shrewd political manipulator, and a passable *nisi-prius* lawyer, but of little education, of very little literary or scientific culture, and of no statesmanship. His best friends could not pretend that he was even a passable constitutional lawyer, or that he understood at all the position in which secession placed the states that had seceded, or the ground on which the general government had the right to coerce them back into the Union. And yet we doubt if any member of his cabinet or of congress understood it better than himself, unless Senator Sumner is to be regarded as an exception. The Blairs were able politicians and able men, but they saw in the struggle only John C. Calhoun, whom they fought under Andrew Jackson, and whom, though a Union man during his whole life, and though dead and buried before a single secession ordinance was passed, they continued to fight to the end of the war. Mr. Sumner understood that "state secession is state suicide," but he was almost alone in this view; and this he maintained as giving congress the right to deal with the slave question, not as a ground on which to justify the war waged by the government against the secessionists. Indeed, neither the administration nor congress ever took, distinctly and decidedly, a ground on which that war was legally defensible. It was held to be a war against a rebellion, but no ground was assumed on which secessionists as such are rebels. Simple secession is not rebellion. Admission of a state into the Union imposes upon it no obligation of allegiance to the national sovereign; it simply gives it a share in the national sovereignty, which, as a territory under our system, it has not. Secession is simple abdication by a state of its sovereignty, and that is neither treason nor rebellion.

The mistake of the South was, not in asserting the right of a state to secede, or in assuming that secession took the state as a state out of the Union, but that, by an ordinance of secession, the state remained a state with all its sovereign powers outside and independent of the Union. By secession it ceased to be one of the United States, and abdicated its sovereignty. It carried itself as a state out of the Union, but not its population and territory out of the jurisdiction of the Union. It simply, as we have shown in our "Amer-

ican Republic," lost its sovereign power as a state in the Union, and lapsed into the condition of unorganized territory belonging to the Union. Secession simply carried the state out of the Union to bring it under the Union. But neither party understood this, for neither party understood where, under our system, the sovereign power is lodged. The South contended that it is lodged in the states severally; and the North, imbued with democratic cæsarism, held and still holds that it is lodged in the people back of the states, and outside of state organizations: a more fatal mistake than that of the South. The sovereignty under the American system is vested in the states, but in the states united, not severally. Mr. Buchanan was right when he said a state could not be coerced. If the secessionists had stopped with simple secession, they would not have been rebels, and a war against them would have been unjustifiable, and defensible on no legal or constitutional principle. But they did not stop there; they formed a confederacy, assumed to be independent of the Union, raised and organized an army, and actually levied war against the Union. Then they became traitors and rebels, and, as such, the government had a legal and constitutional right, nay, the solemn duty, to use force to reduce them to submission.

This blunder as to secession would not be worth mentioning had it not entailed a more serious blunder still on the part of the government when the war was over, and the question of reconstruction came up. Here the government was more at sea than ever. Having never accepted the constitutional doctrine we have set forth, it knew not whether to regard the states that had seceded as still states and states in the Union, or as territory subject to the Union. Thaddeus Stevens held them to be conquered territory, and subject to the will of the conqueror: which was to concede the Southern doctrine that secession took the states, both as states and territory, out of the Union, and to condemn the war, for no nation conquers its own territory,—territory which already belongs to it. It may recover it, but not conquer it. The government could not treat "state secession as state suicide," for it from the first recognized the states as still existing in the Union and persisting in the union-men, treated the Pierrepont government at Wheeling as the state of Virginia, and admitted to seats in congress representatives from any congressional district where the union-men happened to be for the moment in the majority. It was not at liberty to

treat the states as defunct, and their territory as simple unorganized territory subject to the Union. Yet, if it did not so treat them, how was it to carry out its negro policy, and subject the southern states any more than the northern states to the general government, which, on any theory of the constitution, is the creature of the states, and has only a delegated authority and no sovereignty over them? If they were treated as states, the slaves emancipated by the president's proclamation probably could not have been remanded to slavery, but the proclamation could not be regarded as abolishing slavery or as prohibiting it, if the states saw proper to reëstablish it. This view would have alienated from the government the whole anti-slavery party, and all who had trusted that the war would make an end of negro slavery, which was and could be only a disturbing element in the Union. To treat the quondam states as simple territory under the jurisdiction of the Union, was for the government to stultify itself, and to deny the ground it had taken throughout the whole war. So it held that of contradictories both may be true, and treated them both as states and no-states, as it suited its purposes. When it wanted their votes for amending the constitution, it held them to be sovereign states; when it wanted to govern them and compel them to vote according to its wishes, it held them to be no-states, but simply unorganized population and territory.

In our view of the constitution, the states that seceded had ceased to exist, and had become like any other unorganized territory belonging to the Union; and at the close of the war it was optional with it to hold them under military governors, or for congress to pass an enabling act, authorizing the people to reorganize themselves as states, with or without the old state names and territorial boundaries. But, then, the enabling act could impose no conditions precedent of reorganization not imposed by the constitution; and if it did not impose the prohibition of slavery as a condition precedent, but authorized their organization as states on a footing of perfect equality with the states already in the Union, the reorganized states would be free to authorize slavery or not: so this would not do. There must be an amendment of the constitution prohibiting slavery for ever within the jurisdiction of the United States. But only states in the Union can ratify constitutional amendments, so it was necessary to treat the states that seceded as still states in the Union; but, in order to be recognized as such, and be allowed to exercise

their powers as self-governing states, as the states that had not seceded, they must ratify the constitutional amendment proposed by congress, prohibiting slavery. Yet, if they were states in the Union, neither the executive nor congress had any right to impose any condition of the sort, for the war power ceased the moment the confederates laid down their arms and offered no further resistance, and the government had only the ordinary peace powers of the constitution. If they were not states in the Union, their ratification was worth nothing. In any case the thirteenth, fourteenth, and fifteenth amendments to the constitution were never constitutionally adopted, but were imposed by arbitrary power, and are really no part of the constitution, unless the free acquiescence of, at least, three-fourths of the states has given them, which we doubt, a *quasi*-legality.

The mistake of the government was in assuming to act under the war power after the war was over, and in assuming that the work of reconstruction belonged to it, and not to the people of the states that had seceded. The general government has no authority under our system to organize or reorganize a state. If, as it assumed, the states that seceded, had never been out of the Union, but were still states in the Union, it had no more authority over them than it had over New York or Massachusetts. It had no authority to say who should or should not have the elective franchise, or be eligible to office state or national. Its disfranchisement of the real people of the South, and the attempt to organize states with the few union-men of the South, northern adventurers, scalawags, and recently emancipated slaves, who had never had a country or a domicile, was a gross usurpation and a blunder. We warned the government, in 1863, against any attempt of the kind. The real people of the South were secessionists, and it was idle to dream of maintaining any thing like self-government without them; and the attempt would only furnish a pretext for the interference of the federal troops, and not only disturb the equilibrium of our political system, but prove most disastrous to the people, especially to the people of the southern states. The sad experience of South Carolina, Louisiana, even Alabama and Mississippi, has but too amply proved the justness of what we wrote in 1863, after the capture of Vicksburg. But Mr. Lincoln, with all his *bonhommie* and genialness, was an intense lover of despotic power. Congress suffered itself to be carried away by its passions, in-

stead of being controlled by reason and the dictates of honest statesmanship; and even Mr. Sumner said to us in February, 1864, that, in order to keep the southern people loyal, that is, in order for the North to be able to govern them, it would be necessary to exile some twenty thousand or more of the leading secessionists, and to extend the elective franchise to the freedmen. The horrible assassination of President Lincoln threw the administration, congress, and the northern people into a frenzy of wrath; and Vice-President Johnson acceded to the presidency with a double portion of the vindictiveness natural to him,—which, however, he lived long enough to repent,—and talked grandiloquently of rendering treason odious. His proclamation of May, 1865, exceeded any thing ever issued in any age by the most barbarous chieftain. It virtually disfranchised and outlawed nearly the whole southern people, certainly every man who could render any efficient service in reorganizing the southern society, and in repairing the disasters of the war. President Johnson, as honest a man as ever sat in the presidential chair, devoted to the constitution, and, after time to get cool, not hard-hearted or cruel—though he, from his entry into political life, had had a quarrel with the southern aristocracy, who looked down upon him as not at all of their class—soon relented of his severity, and sought to render it innocuous, and to save the southern people; but, in so doing, he lost the confidence of his party, which at the time had two-thirds of the members of both houses of congress, and provoked in revenge a fearful congressional opposition, and caused congress to adopt a far more stringent policy towards the South than it originally intended. Men, like Morton of Indiana, and our friend Chandler of Michigan, felt that Mr. Johnson's policy would lose all the fruits of the war, and, worst of all, would resuscitate the Democratic party and restore it to power, when it would be all over with the Republican party, whose only hope in the future was in negro suffrage and the federal arms.

On the southern theory of state sovereignty, and on the democratic theory of which that vastly overrated journalist, Horace Greeley, the founder of the Republican party, was the champion, the southern people, in seceding and setting up an independent state or republic for themselves, only exercised their natural right, and consequently were neither traitors to the Union, nor rebels to its government. The government, consequently, had no right to treat then as such,

and the talk about punishing traitors and rendering treason odious was out of place. The people of the United States held or avowed no principle on which the southern confederacy could be condemned for treason, as we showed in our "American Republic." We had, for reasons already assigned, the legal right to suppress the confederacy by force of arms, but, considering the theories prevalent with the American people, we had no moral right, at least, to inflict on any of the confederates, not even on their leader, the pains and penalties of treason. The government, if it resolved to restore them to their normal relations in the Union, instead of holding them as territories under military governors, was morally bound to restore them without disfranchising or disabling any class of their citizens. On the ground we take, the secessionists, when they made war on the Union, as they did when they attacked Fort Sumter, were traitors and rebels; but there was no ground assumed during the war, or even since assumed either by the president and his cabinet, or by congress, on which they were either. So far as the principles of government distinctly held by the American people were concerned, the war was not a civil, but a foreign war, and on our part a purely defensive war. When peace was obtained, the government had unquestionably the right to exact indemnity for the past and security for the future. But it had no right to punish any confederate as a traitor or rebel, or to impose on him any disability as such. It could not do it when the confederates submitted to the Union, were ready to obey its constitutional authority and laws, and it recognized them as an integral portion of the American people, without biting its own nose off.

The government, in dealing with the southern states, since the war was closed by the surrender of the last confederate force in the field, seems never to have reflected that they were no longer to be treated as enemies, but as an integral portion of the American people; and that whatever tended to retard their reorganization, to weaken or distract their respective governments, or to prevent or to impair their industrial, commercial, or agricultural prosperity, tended to the grave detriment of the other states, whose fortunes henceforth were bound up with theirs. We hold the general government, both congress and the executive, responsible for the horrible misgovernment of South Carolina, Louisiana, Arkansas, of every one of the southern states, where, aided by federal troops, the government fell into the hands of

northern adventurers, scalawags, and negroes; and we count the injury done to them an injury done to the whole Union, from which the whole Union, the North not less than the South, is now suffering. One member of the body cannot suffer without the whole body suffering with it. The whole evil might easily have been avoided by restoring the state governments to the real people of the South under their natural leaders, and by leaving them to manage their internal affairs, and to repair the damages of the war in their own way. All the trouble has come from disabling the southern leaders, and the determination to use the freedmen to keep the Republican party in power, and through it to make the general government the supreme and only government of the land.

There was no danger that one of the former slave states would, if left to themselves, to the management of their own affairs, have attempted to reëstablish slavery. They were generally glad that slavery was abolished. They would have treated the slave as a freeman, but they would not have given him political equality. The hostility of the South, since the war, has never been to the freedom of the slave, but to making him, ignorant and sordid as he for the most part is, the political equal of the white man, and, where his race is in the majority, the master of the government. The effort of congress and of the administration to force negro suffrage and eligibility on the country, especially in those sections where the colored population largely outnumber the white people, was a blunder, offensive to the whites, and injurious to the blacks. On this question we separated from our friend Senator Sumner, for we considered the policy little short of madness, and experience has, in no respect, tended to justify it. But, having been adopted, or forced upon the country by Republican spite and Republican love of place, it must be submitted to as an evil that cannot be remedied. Yet, as the disabilities of the leading white men are removed, and as the states are left to manage their own affairs without federal interference, the real southern people will gradually lessen the evil, or render negro suffrage and eligibility comparatively harmless. The negro is a good servant, but a bad master. He is not fit to govern, and he cannot bear equality; he will gradually find his level, and, giving up the preacher-demagogues of his own race, will follow the advice and direction of intelligent whites, who will prove that they are his true friends, and have his real welfare at heart.

The Republican party find that, even by the aid of the freedmen and federal troops, they cannot continue to govern the country; and it is time for the government to learn that the country will not have the public interests sacrificed to the effort to force negro equality, far less negro supremacy and misrule, and that its true policy is to leave the negro to himself and to the protection, as other citizens, of the state governments. In that way only can he cease to be a disturbing element in our politics.

But the government has blundered no less on the question of finance. There may be men in the country who are respectable bankers and private financiers, but there was not a man connected with the administration, in either house of congress, that understood the science of public finance, or how to turn the credit of the government to the best possible account. Mr. Bowen, in his "American Political Economy," asserts, and appears to us to prove, that during the war the people paid in the shape of taxes, if they had been equally distributed throughout the four years for which the war lasted, enough to have met all the necessary expenses of the war, so as to have left at its conclusion not a cent of public debt. Yet the public debt incurred by the war was, at its conclusion, at least three thousand millions of dollars, and the larger part of it, in spite of treasury reports, remains as yet unliquidated, and a most crippling burden on the industry of the country, especially when coupled with the extravagance and constantly increasing expenditures of the government itself. Mr. Lincoln and his secretary of state never understood any thing of public economy, and appeared to act on the principle that men were to be induced to support the war policy of the government by finding it making them millionnaires. The secretary of the treasury, Mr. Chase, was an honest, well-meaning man, but the energies of his mind had been employed chiefly in the agitation of the slave question, in organizing a political combination for the overthrow of slavery, and in dreams of an impracticable equality. He knew comparatively little of finance, and sought instruction of Jay Cooke and others, who knew still less and had far less honesty and integrity than he, as their support of the fallacy, that "a national debt is a national blessing," and their subsequent disastrous failures in their own private business operations, amply proved. These bankers were in the habit of treating debt as capital, and trading on it as such, and consequently, in their estimation, the larger the national

debt, the larger the national capital, and the larger the business and profits of——the brokers.

The secretary's first financial operation was a blunder; we might say, a financial suicide. His first loan was taken by the banks, and he drew from them all, or nearly all, their specie, and thus forced them throughout the country to suspend payment. He might have avoided this disaster by leaving the money in the banks, and paying its principal creditors in bank certificates, which would to a great extent have circulated as currency, and the smaller creditors in drafts on the banks in which the loan was deposited. As the banks were solvent and paid specie when demanded, both the notes and certificates would have circulated at par, and very few would have been presented for redemption in coin, not more in proportion than in ordinary times, for the holders would have been in general satisfied to receive either a transfer of credit, or the bills of the bank. There need have been no extraordinary demand for gold or silver coin, not greater than the banks could meet without crippling themselves. In this way the necessity of the suspension of the banks might have been avoided, and the currency kept at par. If it was thought that the subtreasury act, which requires the receipts and disbursements of the government to be made in gold and silver coin, stood in the way of this arrangement, which we think it did not, nothing would have been easier than to have obtained an act of congress suspending its operations, in this respect, during the war. The policy of the government should have been to strengthen the currency and keep it at par with gold, in order to keep down the prices of what it had to purchase: and this, with a little foresight, it might easily have done, and thus have maintained an equilibrium between its war expenditures and the war taxes it levied on the people. But, instead of this, it began by taking from the banks their reserve of gold, and compelling them to suspend, and forcing the business operations of the country and its own to be carried on in an irredeemable and constantly depreciating paper currency.

The exhaustion of the banks of their specie reserve and the bank suspensions left the country without any currency or money in which it could receive loans when negotiated. This, we suppose, led to the issuing of treasury notes, and making them a legal tender for all dues except the customs, which were still to be paid in gold. We will not say that

the act of congress, authorizing the issue of these treasury notes as a national paper currency, was not a necessity at the time it was passed, for we are not sufficiently well informed on the subject to decide so important a question; but this much we may say, if it was a necessity, it was the previous blundering of the treasury department in having exhausted, unnecessarily, the banks of their gold, that made it so. It has been said that the secretary himself disapproved of the desperate measure; but our memory is strangely at fault, if he did not urge it upon congress and talk a large amount of nonsense about *demonetizing* gold and silver, as if that were possible while they constituted the currency of all civilized nations, unless we ceased to have any commercial relations with them, and while we made the duties on imports and the interest on government bonds payable in coin. They could be demonetized and made simple merchandise, only on condition that the government dispensed entirely with their use as money, and made the treasury notes a legal tender for all debts due to it and from one citizen or denizen to another, which the act did not do. It simply created a double currency: the one of gold and silver for certain purposes; and the other of treasury notes, resting on the credit of the government, for other purposes.

The bill creating the so-called legal tenders was in the nature of a forced loan, without interest and irredeemable. It was an act of downright public robbery, especially since the notes were not receivable for *all* dues to the government, but only for a certain portion of them. The original bill, we believe, contained a provision that after a certain time the notes might be converted into interest-bearing bonds payable in gold; but that provision was soon struck out, and the government need never redeem them unless it chooses. The measure seemed to supply the government with ample funds. Loans, to any amount desired, could easily enough be obtained at six per cent., or from the people at seven three-tenths. The financial operations of the government were considered a grand success, and its expenditures were equally great. But what need of loans at interest at all? Why not have paid out directly the greenbacks, and saved the interest on its bonds, and the obligation to pay the bonds in gold, since the loans were received not in gold, but in greenbacks or legal tenders; that is, in currency, supplied by the treasury itself? The interest and bonds payable in gold, declared to be demonetized, were quite unnecessary, for the

notes were worth as much in the treasury when received from the printer, as when borrowed from the people, the banks, or the brokers.

But, as gold was *not* demonetized, it remained the standard, and the greenbacks were worth only the amount of gold dollars they could purchase. They were not and could not be retained at par. We spoke of the premium on gold, but it was not that gold was at a premium, but that greenbacks were at a discount. Gold did not appreciate, but the currency depreciated, and at one time to thirty-five per cent., if we do not mistake. The government received in some of its loans only forty cents on the dollar, and, if we are rightly informed, only sixty cents on an average of all its loans, for which it bound itself to pay one hundred cents in gold, that is nearly twice the amount received, besides interest. Is it possible to imagine a more miserable financial policy, one more destructive to the interests of a country? The depreciation of the currency had the appearance of raising the price of all goods, agricultural and industrial products, and wages of labor; but it was all an illusion, for the country was only contracting a debt, if you count the several state debts, municipal debts, and corporation debts, to say nothing of individual indebtedness to more than one-half of the whole assessed value of the United States before the war, excluding the property invested in slaves. In 1866 the taxes collected by the general government alone were, if we can trust statistics, within one hundred and forty millions of the whole income for that year of the entire Union. Several millions of taxes of one sort or another have been remitted, but still the business of the country is depressed, and men and institutions supposed to abound in wealth are every day failing, and proving that our business prosperity was built on debt, called, by way of euphony, credit, not capital.

The journals attribute the depression of business to the want of confidence, which shows that, in their estimation, business is transacted on credit, that is, debt, not on capital; and hence, when there comes a crash in the business world, and house after house doing an immense trade goes down, they term it a *panic*. But no restoration of confidence possible will revive business, and give us what are called flush times. The fact is, the mercantile system, introduced by England, or the credit system, that is, the system of making debt pass for capital, is itself failing, in consequence of its

own expansion. The principle of the system, as we understand it, is to do business on credit, and to rely on the profits of the business done to pay the interest on the borrowed capital, and to discharge in time the loan itself. This would, perhaps, be well enough, if the capital borrowed were real capital, for the volume of business would then not exceed the ability of the country to sustain, and no general depression of business could occur. But it is credit, not capital, that is borrowed. The banks do not lend money, they simply lend their credit, and consequently depend on their debtors for the means to sustain their own credit, or to redeem their bills; and these depend on the amount and profits of the business they do on their borrowed credit. If they fail the bank fails, or *suspends*, as it is politely called. The greater the facility of borrowing credit, the greater the extension of business. The multiplication of banks of discount facilitates the borrowing of credit, tempts an undue proportion of the young men of the country into business, and those already engaged, to extend their business operations, till business is expanded far beyond the wants of the community, or the ability of the industry and productions of the soil to support; and a collapse and business depression, as well as widespread financial ruin, inevitably follow. No wisdom, foresight, or prudence, no business tact or capacity, can save a house that has borrowed, or given credit, from failing, for it will be carried down by the collapse of credit, or the demand for payment of the debt hitherto used as capital; and the means to pay it will not be forthcoming, when business has been overdone.

Business men feel the pressure, and, with us, demand of the government more currency or more banks to facilitate credit. Fatal delusion! The difficulty is not the lack of currency nor of institutions of credit, but that people have nothing to part with to sustain credit. We presume the business of the country, trade, manufactures, and internal improvements, is even now in excess of its actual ability, and consequently things must be worse before they can be better. All nations that turn their energies in the various channels of business, or make business their leading interest, and push it beyond the ability of labor and the soil to sustain, must be constantly experiencing what we have been experiencing since September, 1873. In reality, the depression complained of is only an effort of nature, so to speak, to expel a disease, that, if not expelled, must prove fatal. It

is the result of the operation of the *vis medicatrix* of nature, and, however painful it may be, it will bring with it a cure, unless we immediately rush, as we are not unlikely to do, on the first symptoms of returning health, into another business debauch.

What remedy the government can apply, we are neither statesman nor financier enough to say, but we do not believe there is any effectual remedy possible, short of breaking up entirely the system that treats debt as capital; for, in the long run, the interest that must be paid on the borrowed credit used as capital, will more than absorb the average net profits of the business that can be done with it. Individuals may succeed, and enormous estates be accumulated, but the business classes as a body will fail, and end poorer than they began. The nation will be only impoverished and weakened. Government may aggravate the evil, but we see little it can do to mitigate it. Neither resumption of specie payments, nor inflation of the currency, will cure it, or permanently lessen it. We are an old man, but we cannot remember a time when we did not hear a loud demand for more currency; and even when the banks professed to redeem their bills in coin, the same periodical panics occurred, or seasons of business depression and hard times that have occurred under our present irredeemable paper money, only more frequently. We remember 1819, 1829, 1836–7, 1849, 1857, which were as disastrous as 1873, or as is 1875. We know no way of preventing these periodical panics, if you choose to call them so, with a mixed currency of gold and paper, or with banks of discount authorized to pay out their own notes as money, that is, to lend their credit, instead of their capital.

Our studies of finance and political economy were made many years ago, say from 1829 to 1843, and we are too old to revise the views we then formed. We then became a "hard money" man, and opposed to all banks, except banks of exchange, deposit, and transfer of credit. Such a policy may be objected to as likely, if it is adopted, to diminish largely the volume of business, and to keep idle the little savings of the people; but that is precisely the result we would bring about. We grant our views are old-fashioned, and directly opposed to those of the modern business world, to the spirit of enterprise now so loudly boasted; but we are not so silly as to suppose that any community will adopt them, and so we forbear to urge them. Yet we would re-

strict the volume of business, the trade and enterprise of the community, to its real capital, and instead of facilitating the entrance of young men without capital into business, we would send them to cultivate the soil, employ them in agriculture or the mechanic arts; and that, not for purposes of exchange, or the acquisition of wealth, but to gain an honest living by the sweat of their face. This is the normal condition of man on the earth, and every departure from it is attended with more or less evil to body or soul, or to both. Yet by our age of material progress and "advanced ideas" this can be regarded only as very absurd, and as betraying complete ignorance of the world we live in.

The financial question is, perhaps, the leading question at present in our home politics. As a "hard money" man, we are in favor of the policy of resumption, and utterly opposed to inflation. Resumption will stop gambling in gold, and prevent to some extent artificial fluctuations in the price of gold, so prejudicial to our mercantile community; but it will neither revive business, nor give a real specie currency. The banks may profess to redeem their notes in coin, and they may do so when there is no great demand for specie; but when there is any thing like a general call for it, most of them will suspend, and we should have only a paper currency. Of course the change to a specie basis would fall hard upon debtors, and creditors would gain some advantage, yet we do not see how it could affect the value of government bonds, for nearly all these, and the interest on them, are payable now in gold. Resumption, it seems to us, might take place with hardly any increased demand for gold, or even contraction of the currency. If the duties on imports were receivable in treasury notes, or the bills of specie-paying banks, there would be very little demand for gold either on the banks or the treasury. The treasury would actually need less gold to meet the accruing interest on its bonds than it does now, for it would need it only for the interest on that portion of bonds held abroad. Home creditors, whether of the banks or of the treasury, would be satisfied with, and even prefer, bank notes or treasury notes, if really redeemable in coin on demand. Only the small amount of gold needed for adjusting foreign balances would be required.

The measure which we dislike the most of any that we have heard suggested, is, to suppress the national banks, and

to make the currency consist entirely of treasury notes, or legal tenders, resting entirely on the credit of the government. This would give the government the power to expand or contract the currency at will, and to change at any moment the measure of values; besides making the currency consist of that worst of all financial evils,—an irredeemable paper currency, which no possible contrivance can keep at par with coin. Parties would be formed for expanding or contracting the currency; money, as a measure of values, would vary as the one party or the other succeeded in the elections, and business would be brought to a stand-still, for business men would never know on what to depend, since the policy of the government to-day may be reversed to-morrow. Besides, if we are to have banks issuing their notes to circulate as money—and have them in some shape we shall, at least for a long time to come—we are disposed to believe that no better or safer system can be devised than the existing national-bank system. Compel the national banks to redeem their notes on demand in specie, and they would furnish as uniform, safe, stable, and steady a paper currency, as is possible. As banks of issue and circulation, they would be absolutely safe. Their defect is in not affording due protection to depositors, which it is impossible for any system of banks, managed by imperfect men, to afford amidst the constant fluctuations of business, if the bank is allowed to make its deposits a basis of its discounts. The objection, that the national banks, banking on government bonds, receive a double profit on the bonds they hold, or which are deposited in the treasury as security to their bill-holders, first, in the interest on them, and, second, in the profits arising from using them as bank capital, would be in a measure obviated by resumption and the necessity of having coin reserves. The objection is equally valid against the whole modern system, which treats paper evidences of debt as capital. As long as we retain the system, it is not worth while to insist on so trite an objection. It is part and parcel of the system by which "the rich are made richer, and the poor poorer," especially favored by all popular governments, or so-called free governments.

Though we favor the early resumption of specie payments, and understand no reason why it may not take place on January 1, 1876, as well as on January 1, 1879, we do not attach supreme importance to the question; for we do

not believe that resumption will give us a really sound and stable currency, a thing we have never had since we could remember; or that, if business once revives, over-trading or the undue expansion of credit, or, what is the same thing, debt, will not soon cause the recurrence of similar evils from which the country is now suffering, though slowly recovering, we would fain hope. In our view the modern commercial system, which we call the English system, is fundamentally wrong, and tends, while it enriches individuals, like your Vanderbilts, Stewarts, Astors, &c., to impoverish the nation. France, in which the system, in spite of the efforts of Napoleon, has by no means been carried so far as with us, has shown, since the disastrous war with Prussia, a financial ability, pecuniary resources, and a recuperative energy, which we, boasting that we have the best government in the world, look in vain for in our own country. We probably have not recuperated at all since the close of our civil war: at any rate we are only slowly working off the effects of our recent debauch, and recovering from the *delirium tremens* which followed it.

We see little in the outlook of our home politics to encourage us for the future. The evils are great, and it requires wiser heads than ours to suggest and apply a remedy; that is, a remedy that will be adopted. The moral constitution of the American people is so shattered and impaired, that they cannot stand the necessary remedies. There can be no question of the moral and political corruption of the Republican party, but, unhappily, the opposing, or the Democratic party, is hardly less corrupt. It was demoralized by the loss of its southern wing, and by the course it took during the civil war. The brains of the party were always at the South, and the South is not yet recovered from the collapse of the confederacy; and the party is now without competent leaders, and without a well-defined national policy. It has, no doubt, many able men in its ranks, as Bayard of Delaware, Thurman and Pendleton of Ohio, Hendricks of Indiana, Seymour, Wood, and Tilden of New York, Randall and Buckalew of Pennsylvania, but no one capable of shaping its policy, and giving unity to its councils and action. It has not recovered from its demoralization, and is not a compact and well-organized party, or more honest, more public-spirited, or less greedy of the spoils than the Republican party. We can see only one thing to be gained by its accession to power. It would,

most likely, leave the negro to take care of himself, and discontinue federal interference in the internal affairs of the southern states, and with state elections. It would probably do away with the machinery constructed by the lamented Lincoln, by which a president, if he chooses, can always reëlect himself, as President Lincoln did, in 1864. This would be much, and is sufficient to make us desire ardently the success of the party in 1876. But of that success we are not sanguine. General Grant is a hard man to defeat, and if the Republicans run him for a third term, they are pretty sure to elect him. There is no constitutional, legal, or moral objection to a third term, and for ourselves we wish it were constitutional to choose a president for life. We have a horror of the doctrine, introduced by the Democratic, or Jackson party, of rotation in office.

If the Democratic party had any other policy than that of turning out the Republicans and taking their place, they might easily succeed in the next presidential election, for we think that there can be no question that at this moment there is a widespread distrust of the administration party; but it acts like one of those parties that seem doomed to defeat, and our own belief is that General Grant will be reelected for a third term: he certainly will be, if he chooses to run. The American people believe him to be a great general, not simply a great butcher. His capture of Vicksburg, and relief of Chattanooga, after the failure of Rosecrans at Chickamauga, certainly were creditable to him as a general; but his march from the Rapidan to City Point at the sacrifice of 90,000 men, as brave troops as ever met an enemy, is saved from disgrace to the commander, only by its final success. Lee surrendered at Appomattox, and that condoned what otherwise would have been regarded as the most discreditable campaign of the war. Yet, his military glory is dear to the American people. Besides, he is a western man, with western manners and tastes, and the West is the governing section of the Union. Let no Democrat fancy that he lacks popularity or can be easily defeated, if a candidate. He is a fair representative of the degenerate American people. His easy indifference to the duties of his office, his indolence, and not too rigid morality, make him, personally, a favorite with the mass of our countrymen. He is not too refined, not too far above them, nor too strait-laced to please them.

We are told that Governor Tilden aspires through the

Democratic party to the presidency; but, if so, he shows no little lack of wisdom. Governor Tilden is, we are told, for we do not know him personally, a gentleman in his tastes, manners, and feelings; and to suppose that a gentleman, with the manners and feelings of a gentleman, can be elected president of the United States, seems to us ridiculous. Besides, Governor Tilden is an eastern man, and none but a western candidate can hope to be successful. He is, we believe, an honest man, and a ring-breaker: who among politicians wants such a man for president?—"The politicians will not support me for president," said John C. Calhoun to us in 1841, "for they know I would hold all office-holders to a rigid responsibility, and give them no chance to defraud the government: and this is precisely what they do not want."—The politicians, and, we fear, the people, do not want an honest man or a gentleman for president. In this respect, since the defection and demoralization of the South, we do not imagine the Democrats differ essentially from the Republicans. The one, we presume, is as ready to accept a fat job as the other. The large Catholic population of the country, very generally attached to the Democratic party, ought to have a salutary moral influence on that party; but, so far as we have observed, political Catholics are not a whit better, more honest, or more devoted to principle, than non-Catholics. An intelligent Catholic friend, born and bred in Ireland, says they are less so, and that they have contributed their full share to the corruption of parties. We regret that not a few among them have not only no sound political knowledge, but have never been instructed in the first principles of morals, to say nothing of religion. These add, to the political corruption they brought with them from the Old World, the deeper corruption acquired from our own demagogues. We are sorry to say such things, and would not, if the persons in question had any modesty, and did not claim for themselves, at least if their journals did not claim for them, every virtue under heaven. They may cry out Know-nothing against us till their throats are sore, for what we care: we know the truth of what we say.

We have relied, and still rely, on our Catholic population to introduce an element of honesty and integrity into our politics; but not a few of them, instead of drawing their inspiration from their religion, and taking its principles for their guide, draw it from the false theories of the country,

and follow the most unscrupulous demagogues the country can supply. In order to refute the baseless charge that their church is unfavorable to free government, they defend extreme democratic views, and in all, except religion, profess an unlimited devotion to the popular will, that is to say, to the will of the demagogues, or the dictates of their party. We do not find that they are more honest or conscientious, or less swayed by private and personal interest, than Protestants or infidels. To a certain extent they are the least reasoning, the noisiest, and the most unscrupulous class of American citizens, as well as the most exacting and the most difficult to satisfy. Their violent partisanship and greediness for place are any thing but edifying. They seem, the moment they engage in politics, to forget that they are Catholics, and to scout the upright and moral conduct enjoined by the church upon all her children, whatever the sphere in which they are called to act. Besides, such is their overweening self-conceit, and such is their sensitiveness, that they will bear no reproof, and listen to no advice, not even from their clergy. Do these Catholics never reflect on the duty they owe as citizens to the land of their birth or adoption? Do they never reflect on the immense responsibility that rests upon them as Catholics? Does it never occur to them that only the Catholic Church can save the country, and that she can do it only on condition that her children imbibe her spirit, and practise the morality she enjoins? Do they ever, in the field of politics, think of any thing but to cry up the man that pleases them, and to cry down the man that offends them?

We speak not of all Catholics, but of political Catholics only. We would fain hope that the majority of the Catholic body in this country do not answer to our description. Nobody knows better than we do, the high moral worth, the sterling honesty, of the great body of our Catholic population; but these are no noisy politicians, no office-seekers, and are rarely office-holders. If they vote at elections, it is quietly, honestly, conscientiously, with an eye single to the public good, not with a sinister eye to their own private interest. These may sometimes be, and not seldom are, overborne or misled by their unscrupulous brethren, who make a trade of politics, are always ready to traffic in votes, and look to office, with its "pickings and stealings," for the means of living; but gradually they recover their independence, separate themselves from the predatory class, as the

sedentary Germans did from their nomadic brethren hovering always on their outskirts; and, while subordinating all their actions to the honor and glory of the incarnate Word, they carry the spirit and principles of their religion into their political action, as they do into all the transactions of life. It is on these, whatever their race or original nationality, Irish, French, or German, we place our dependence for the ultimate safety of the republic; for through these the church can exert her salutary influence, infuse a recuperative energy into the nation, and enable us as a people to recover from the moral prostration from which we are now suffering.

If Catholics would take the pains to make themselves sufficiently acquainted with the science of government to perform intelligently their duties as American citizens, and perform them with honesty and fidelity, they could soon infuse a nobler spirit into the Democratic party, and make its accession to power a national benefit. But, to do this, they must labor to raise the moral standard of the party, instead of lowering themselves to its level, and slavishly following it in its crude opinions, formed without thought or intelligence of the nature or purposes of government. They might do so, and we hope they will in time, though, we fear, not till it is too late to save the republic, which without them is lost. No republic can stand without religion, and they have all the religion, properly so called, there is in the country. Let them study to understand and perform the duties, as well as to understand and claim the rights, of American citizens, and all may yet go well.

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